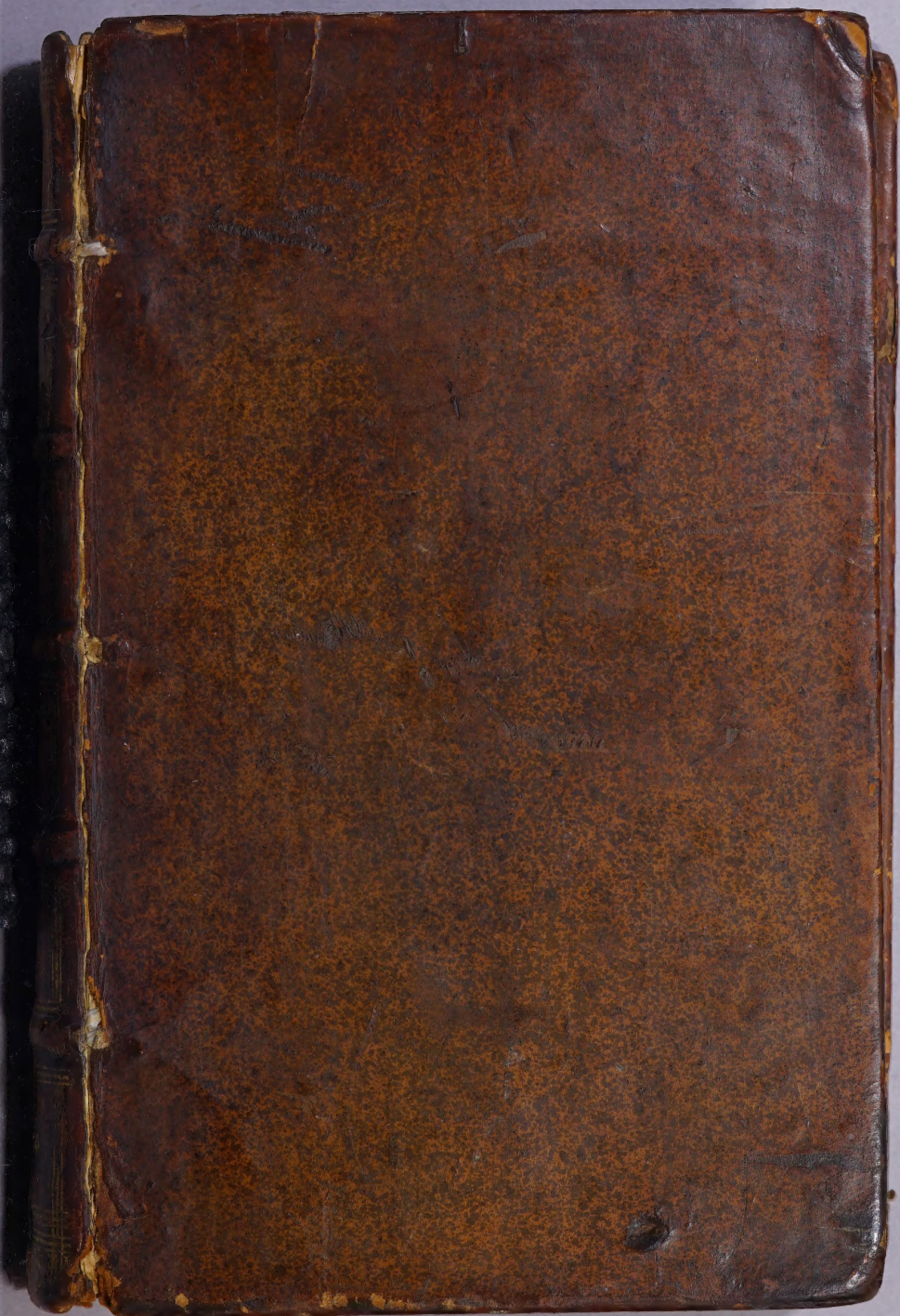




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THE

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FINIS.

*A Defence of the Scots Settlement at DARIEN,
with an Answer to the Spanish Memorial against
it; and Arguments to prove that it is the Interest
of England to joyn with the Scots to protect it. To
which is added a Description of the Country, and
a particular Account of the Scots Colony.*

To the KING'S most Excellent Majesty.

THE Interest You have in the flourishing of Your Antient Kingdom of Scotland, whose Crown is transmitted to You by an Hundred and eleven of Your Ancestors, without ever having been on the head of a Foreigner, emboldens the Author to lay the following Sheets at Your Majesty's Feet.

The design of them is to Vindicate the Settlement of the Scots in Darien, and Your Majesty's Justice in protecting them, against the oblique Aspersions which are cast upon it in the Spanish Memorial.

The Sovereignty of the Crown of Scotland hath always bin held Sacred by our Ancestors, who never were sparing of their Blood to defend it either from the Invasion of Foreigners or the mean Compliance of some few of our Princes that were unworthy to wear it; and therefore were either totally excluded from it, as the Family of Baliol, or oblig'd to reassert its Right when rescu'd out of the Hands of their Enemies, as happen'd to our William I. and James I.

Providence having now plac'd it on the Head of your Majesty, whose Heroic Courage is known to all the World, our Nation should be unjust to your Character to expect any thing less than that our Crown, which You receiv'd free and independent from Your Ancestors, should be transmitted by You with greater advantages than ever to Your Successors.

Therefore it is, Great Sir, that a private Subject of your antient Kingdom takes the boldness to vindicate the Sovereignty and Dignity of Your Crown as King of Scots, and to put such as are Enemies to it in mind, that when Edward I. and II. of England invaded it, the Scottish Nation did gallantly defend

The Dedication.

S. it, advanced Robert Bruce to the Exclusion of Baliol the nearest Heir, and acquainted the Princes of Christendom that they did so in defence of their Independency; adding that they would expel Robert Bruce, if he offer'd to betray their Liberty, and would never subject their Crown to that of England, whilst there were 100 Scots men alive.

This being the fundamental Constitution of our Government, and the Condition on which that Prince and his Successors were admitted to our Crown, they can in no wise be look'd upon as Friends to Your Majesty's Dignity as King of Scots, who call in question what You enact in the Parliament of that Kingdom, or that offer to traverse it by contrary Proclamations.

We are Your Majesty's Subjects as well as our Neighbors, and have an equal Right to share Your Protection, which it's hop'd they will at last be convinc'd it is their Interest to agree to in relation to our American Settlement.

Your Majesty's Paternal Affection to the Kingdom of Scotland hath discover'd it self in many Instances; nor is it desir'd or expected by our Nation, that it should any way interfere with the like Care and Affection, which is owing to our Brethren of England; but there is no reason that they should enjoy a Freedom of Trade throughout the World, and that we should be denied it.

Your Majesty in Your Gracious Proposals of an Union, gave sufficient Evidence of a Fatherly Concern for both Nations. Therefore as it hath pleased God to make You the Glorious Instrument of our Common Deliverance, that he would also make You the happy Instrument of our inseparable Union; and after a long Reign here, Crown you with everlasting Glory hereafter, is the sincere and ardent Prayer, of

Your Majesty's Loyal

and

Affectionate Subject,

Philo-Caledon.

T H E

THE Heads propos'd to be insisted upon in the following Sheets, are *The Legality of the Scots Establishment: The Advantage or Disadvantage that may redound from it to England: Whether the Scots without the Assistance of the English may be able to maintain their footing in America; and what may probably be the Consequences if the Scots should be oppos'd therein by the English, and miscarry in the Undertaking.*

The chief Objections against the Legality of their Establishment, arise from the Memorial delivered in against it to the King, by the Ambassador Extraordinary of *Spain*, May, 1699. O. S. as follows.

THE UnderSubscriber, Ambassador Extraordinary from his Catholick Majesty, finds himself oblig'd by express Orders, to represent to your Majesty, that the King his Master having receiv'd Information from different places, and last of all from the Governour of *Havana*, of the Insult and Attempt of some *Scots* Ships, equip'd with Men and other things requisite, who design to settle themselves in his Majesty's Sovereign Demains in *America*, and particularly the Province of *Darien*. His Majesty receiv'd those Advices with very much discontent, and looks upon the same as a Token of small Friendship, and as a Rupture of the Alliance betwixt the two Crowns (which his Majesty hath observed hitherto, and always observes very religiously, and from which so many Advantages and Profits have resulted both to your Majesty and your Subjects) as a Correspondence, his Majesty did not expect such sudden Insults and Attempts by your Majesty's Subjects, and that too in a time of Peace, without pretext (or any cause) in the very Heart of his Demains.

"All that the King desires, is, That this may be represented to your Majesty, and that your Majesty must be acquainted, that he is very sensible of such Hostilities and unjust Procedures, against which his Majesty will take such Measures as he thinks convenient. Given at *London*, May $\frac{3}{4}$. 1699.

It were easy to make proper Remarks upon the Weakness, Insolence and Ingratitude of this Memorial, but it is not worth while; all the World knows what the Crown of *Spain* owes to his Majesty of *Great Britain*; and therefore a more civil Application might reasonably have been expected to a Prince who hath not only sav'd the *Netherlands*, but prevented

prevented his Catholick Majesty from being insulted on his Throne at *Madrid*. But these things we pass over, and come to the chief Point in the Memorial, which is, *That the Scots have posted themselves in the King of Spain's Demains in America, contrary to the Alliance betwixt the two Crowns*. If this be prov'd to be false, then the Cause of the Complaint ceases, and his Majesty of *Great Britain* hath reason to demand Satisfaction for the Affront offered thereby to his Justice and Sovereignty.

To prove the Falshood of the Allegation, That the Province of *Darien* is part of the King of Spain's Demains: It is positively denied by the *Scots*, who challenge the *Spaniards* to prove their Right to the said Province, either by *Inheritance, Marriage, Donation, Purchase, Reversion, Surrender, Possession* or *Conquest*; which being the only Titles by which they or any other People can claim a Right to those or any other Dominions, if the *Spaniards* cannot make out this their Right by those or any of those, their claim must of consequence be null and void.

It is evident, that the *Spaniards* cannot pretend a Title to that Country by *Inheritance, Marriage, or the Donation of Prince and People*; and as to *Conquest*, it would be ridiculous to alledg it, since the *Dariens* are in actual possession of their Liberty, and were never subdued, nor receiv'd any *Spanish* Governor or Garrison amongst them. Nay, they were so far from it, that *Waser, Dampier*, and others that have wrote of that Country, do all agree that they mortally hate the *Spaniards*, were in War with them, and that the *Spaniards*, had no Commerce with those *Indians*, nor command over them in all the North side of the Isthmus a little beyond *Porto Bello* *.

Capt. *Sharp* in the Journal of his Expedition, published in Cap. *Hucke's* Collection of Voyages, gives an account, that in 1680 he landed at *Golden Island* with 330 Men, and being joyn'd by one of the *Darien* Princes, whom they call'd *Emperor*, and another to whom they gave the Title of *King Golden-Cup*, with some hundreds of their Men, took *Sancta Maria*, attempted *Panama*, and made prize of several *Spanish* Ships; which is the more remarkable, because Capt. *Sharp* was afterwards tried in *England* for Robbery and Piracy on this very account, but acquitted because of his Commission

* *Waser's New Voyage and Description of the Isthmus of America*, p. 11. 63, 149, 150. 151.

from those *Darien* Princes : which is a plain Demonstration that the Government of *England* did then look upon *Darien* to be no way subject to *Spain*, whatever some who are Enemies to the *Scots*, do now say against the Legality of their Settlement in that Country. This same Expedition against the *Spaniards* by the Assistance of the *Darien Indians*, is confirm'd by Mr. *Dampier* in his Introduction to his *New Voyage round the World*. And the Bp of *Chiapa* a Prelate of their own, in his *Relation of the Spanish Voyages and Cruelties in the West-Indies*, p. 217. owns "that the *Spaniards* had no Title to the *Americans*, as their Subjects, by right of Inheritance, Purchase, or Conquest.

We have likewise a large Account, and a full Confirmation of the War and perpetual Enmity betwixt the *Dariens* and *Spaniards*, in the History of the *Buccaneers of America*, Vol. 2. Part 4. wrote by *Basil Ringrose*, who was one of their Company. There he informs us that the *Indians* of *Darien*, and the *Spaniards*, are commonly at War with one another; and that the *Buccaneers* were invited into that Country, and join'd by the *Darien* Princes, Capt. *Andreas*, Capt. *Antonic*, and the King of *Darien*, who assisted them in the taking of *Sancta Maria*, and their attempt upon *Panama*; and the King whose Daughter the *Spaniards* had stole away, promised to joyn the *Buccaneers* with 50000 Men. This is the more remarkable, because those very Princes or their Successors are now in League with the *Scots*, and have joyfully receiv'd them into their Country. So that it is the strangest Imposition that can be put upon any Nation, and one of the most audacious affronts that ever was put upon so great a Prince as *K. William*, for the *Spaniards* to pretend a Right to *Darien*, and accuse him of a Breach of the Peace, because a Colony of his Subjects have settled themselves there; when it is so well known to the World that the Crown of *Spain* has no manner of Title to that Province.

Then as to any claim by virtue of Possession, the *Spaniards* have not the least ground of Plea. All they can alledg on his Head is, that they were once admitted by the consent of Capt. *Diego*. another of the *Darien* Princes, to work on some Golden Mines within 15 Leagues, or thereabouts, of the *Scots* Settlement. But it is plain that this makes nothing for their purpose. That Prince admitted them only as Labourers, but not as Proprietors; and when they broke the Condition on which they were admitted, viz. to allow the *Dariens* such and such Shares of the Product, they were expell'd

S. pell'd again by force; and ever since that time the *Dariens* refuse to have any further dealings with the *Spaniards*, who made themselves odious to them by their Treachery and Insolence: So that Mr. *Wafer* tells us pag. 133. they allow a distinguishing Mark of Honour to him who has kill'd a *Spaniard*: And pag. 179. that *Lacenta*, one of the chief of the *Darien* Princes, did in his converse with him, express his Sense and Relentment of the havock made by the *Spaniards* in the West of *America*, at their first coming thither.

It remains then that the *Spaniards* can lay no other claim to *Darien* but what they plead from the Pope's general Grant of *America*, its being bounded by their Dominions, and the Treaties with *England*, which shall be consider'd in their order.

To urge the Pope's Grant amongst Protestants is ridiculous, and amongst Papists themselves but precarious: But admitting it were sufficient to justify their Title, it is easy to prove that the *Spaniards* have forfeited all the Right that they can claim by virtue of that Grant.

The Church of *Rome* will not publicly own her power to grant a Right of Conquest, but in order to propagate the Faith, and not that neither, except the Infidel Prince or People be guilty of a Breach of Treaty. So that the Pope's Grant with those Restrictions is so far from establishing the Title of the *Spaniards*, that it plainly overthrows it.

That the *Indians* were committed to the *Spaniards* by Pope *Alexander VI.* on condition that they should teach them the Christian Religion, is prov'd by *Don Bartholomew de las Casas* Bishop of *Chiapa*, in his *Account of the first Voyages and Discoveries made by the Spaniards in America*, and the Relation of their unparallel'd Cruelties, p. 195. and there he likewise owns, "that by their acquitting themselves so ill of that Commission, they ought to make restitution of all" they have taken from them under this pretext. And pag. 200. he charges them with breach of the Terms prescrib'd by the Apostolical Brief, tho' Queen *Isabella*, to whom it was granted, earnestly entreated them in her last Will to keep exactly to it. P. 218. he says that the Title of the King of *Spain* to the *Indians*, is founded only on the obligation he had taken upon himself to instruct them in the true Faith, as appears by the Apostolick Brief: Which they were so far from performing, that instead of converting their Souls, they destroyed their Bodies; having in those early days, viz. in the time of the Emperor *Charles V.* murder'd above 40 Millions of them; and took so little care to instruct them

them in the Christian Religion, that they perfectly obstructed their Conversion, and sold those very Idols that some of the poor People had thrown away with abhorrence, to others of the *Indians*; *ibid.* p. 194. which, together with their other horrid Impieties, created an aversion in those poor Infidels for Heaven it self; according to the known Story of *Hathway* an *Indian* Prince, *ibid.* p. 21. "Who being fasten'd to a Stake by the *Spaniards* in order to be burnt, for no other Crime but endeavouring to defend himself and his Subjects against their Cruelties, ask'd a Friar that was discoursing to him of Heaven, promising him eternal Happiness there, if he would believe, and threatening him with Hell, if he did not, whether Heaven was open to the *Spaniards*? and being answer'd that it was to such of them as were good, replyed immediately that he would not go thither for fear of meeting such cruel and wicked Company as they were, but would much rather chuse to go to Hell, where he might be deliver'd from the troublesom sight of such kind of People. So that their forfeiture of all Right or Title to *Darien* by the Pope's Grant, if it were of any validity, is plainly demonstrated.

Their next Plea is, that *Darien* is bounded or inclos'd by their Dominions, *viz.* by *Portobello* and *Carthagena*, with their Territories on the North, and *Panama* and *Sancta Maria* on the South. To this it is answer'd, that *Darien* is bounded only by the Sea on both sides, without so much as a *Spanish* Fort or Garison, from *Nombre de Dios* to the Gulph of *Darien* on the North-Sea, or from the River of *Chepo* to the River of *Congo* on the South Sea. The Territories of the *Spaniards* confining on both ends of the *Isthmus* are not unlimited, but are restricted on both sides by the *Dariens*, who, as has been already said, were never subject to *Spain*. Nor is it any new thing in the World for independent Sovereignities to lie inclos'd within the Dominions of other Princes; to instance in no more than *Orange* and *Avignon* in *Europe*; *Centa*, *Metilla*, &c. Possessed by the *Spaniards* themselves in *Africk*, which lie in the very bosom of *Morocco*, and yet the *Spaniards* don't think their Title to them e'er a whit the worse. The *Dutch* and *Portuguese* have both of them Settlements on the Coast of *Brasil*, to which the *Spaniards* pretend a Right. The *French* have Settlements in *Hispaniola* and *Guiana*, notwithstanding the Neighbourhood of the *Spaniards*. The *English* and *French* have both of 'em Plantations in *New-found-land*. The *Dutch* in time of Peace settled on *Long Island*

S. In the middle of the *English* Plantations, yet no War ensued upon it. The *English* possessed themselves of *Bahama* Islands, tho' the *Spanish* Fleet passed betwixt them and *Florida*: And the *English* have several times settled at *Port-Royal* in *Campechy* Bay, to cut Logwood, &c. and remov'd and settled as they found convenient. K. *Charles II.* in time of Peace granted a Patent to Dr. *Cox* to settle a Colony in the Bay of *Mexico*, which was never question'd by the *Spaniards*: And the *French* have now since the Conclusion of the last Peace, planted a Colony on the River *Mississipi* in that same Bay, against which we hear of no Complaints from *Madrid*. So that the Plea of the *Spaniards* from this Topick is perfectly overturn'd by Common Practice, the Law of Nations, and their own Concessions in parallel Cases.

The next Plea of the *Spaniards* is from the Treaties betwixt them and the Crown of *Great Britain*, of which they alledge the Settlement of the *Scots* at *Darien* to be a Breach; But that there's no ground for this Allegation, will appear to those that peruse the said Treaties, viz. That of *May 23. 1667.* And that of *July 1670.* Wherein there's not the least mention of excluding either Party from enlarging their Dominions in *America*, upon Wastes, or by consent of the Natives, in such places as have never yet been possess'd by *Spain* or *Great Britain*. So that all that can be infer'd from those Treaties is, that they were a mutual Security for the peaceable possession of what each Crown enjoy'd in that Country, and no more; which is sufficiently confirm'd by the Patent granted to Dr. *Cox*, and the settling and removing of the *English* in *Campechy* Bay, &c. without Controul, as before mention'd.

Having thus made it evident that the *Spaniards* have no manner of Title or Right to *Darien*, it is natural in the next place to shew that they themselves are guilty of the Breach of Treaty by proceeding in this Affair as they have done.

By the third Article of the Treaty between the Crowns of *Great Britain* and *Spain*, concluded at *Madrid May 1st 1667.* it is provided, That if any Injury shall be done by either of the said Kings, or by the People or Subjects of either of them, to the People or Subjects of the other, against the Articles of that Alliance, or against common Right, there shall not therefore be given Letters of Reprisal, Marque or Countermarque, by any of the Confederates, until such time as Justice is follow'd in the ordinary Course of Law. Yet the *Spaniards* without

without any such Procedure, or offering in the least to prove their Title to *Darien*, present a virulent and huffing Memorial, at the very first charging the King with want of friendship, and a Breach of Alliance, and threatening to take such measures as they shall think meet: when their sickly Monarchy has not yet had time to breath, since rescu'd from the common Danger wherein *Europe* was involv'd, by the Arms of that very Prince whom they treat so ungratefully.

But this is not all; for contrary to the expresse Words of that same Treaty, they attack the *Scots* by Sea and Land, who had done them no Injury, but acquainted them that they came thither peaceably, without any hostile design against them or any other People; and were so generous as to reject the Motion of Capt. *Andreas*, one of the *Darien* Princes, and their Ally, when he offer'd to make them Masters of *Panama*, if they would but join him with 500 of their Men.

The *Spaniards* have also, contrary to the 10th and 11th Articles of the Treaty concluded at *Madrid*, July 7. 1670. concerning *America*, detain'd the *Scots* and *English* Prisoners who were forc'd alhoar at *Carthagena* by Shipwrack, tho' all such Practises be expressely provided against by the said Articles: And they have also violated the 14th Article of that Treaty which forbids Reprisals, except in case of delaying or unreasonably delaying Justice. From all which it is evident that the King of *Great Britain* has just reason to demand Satisfaction of the *Spaniards* for attacking his Subjects contrary to Treaty; and that the *Scots* being thus injuriously treated, may very lawfully, not only make Reprisals upon the *Spaniards* for themselves, but join with the King of *Darien* in taking *Sancta Maria*, *Panama*, or any other place belonging to the *Spaniards* in that Country, of which the *Dariens* are Natural Lords, and the *Spaniards* tyrannical Usurpers, as is pleaded by the King of *Darien* himself; and therefore he invited the *English* Buccaneers to assist him to retake it: And by this Capt. *Sawkins* justified his Proceedings in a Letter to the Governour of *Panama*, asserting that the King of *Darien* was true Lord of *Panama*, and all the Country thereabouts; and that they came to assist him. *History of Buccaneers*, Vol. 2. part 4. p. 32. and we have mentioned before that Capt. *Sharp*, who was accus'd of Piracy for that same Expedition, and succeeded *Sawkins* in his Command, was acquitted in *England*, because he had that Prince's Commission.

Having

Having fully prov'd that the *Spaniards* have no Title to *Darien*, it remains to be prov'd that the *Scots* have as good and just a Title to their Settlement there, as any People in the World can have; which may easily be demonstrated thus:

S.

They were authoris'd by an Act of Parliament, and the King's Letters Patent, to Plant Colonies in Asia, Africa, or America, upon Places not inhabited, or any other Place, by consent of the Natives, not possess'd by any European Prince or State, Being provided with this Authority, than which there cannot be a Greater, or one more duly and honestly limited, they equipp'd their Ships, and landed on the North side of the *Isthmus* of *Darien* in November 1698. where the *Spaniards*, as has been fully prov'd, never had any Possession, and no other European Prince or State pretend'd any Claim to it. Being arriv'd there, they fairly obtain'd the consent of the Princes and People of the Country, and particularly of Capt. *Andreas*, who is the chief man in that Tract; and after a solemn Treaty and Alliance deliberately made, and wrote in *Spanish*, because the said Prince understands that Language, they peaceably enter upon their new Colony, without either Force or Fraud. So that they have religiously kept to the Conditions of the Act and Patent, which is a plain demonstration that they have a just and legal Title to their Settlement, and a Right to the Protection of the Government, against the Attempts of the *Spaniards*, or any other People whatsoever.

The next Topick to be insisted upon, is the Advantage or Disadvantage that may redound to *England* from this Settlement. We shall begin with the Disadvantage which consists in the supposed Damage it may do to the Trade of *England*, and that it may, as is pretended, occasion a Rupture betwixt them and *Spain*. To this we may easily reply, that being a distinct and independant Nation, we are not oblig'd to consult their Interest, any further than they consult ours; and that we have as much reason to maintain this Colony, because of the Advantage it may bring to our selves, as they have to oppose it, because of the Disadvantages that they fancy may arise from thence to *England*. But withal we deny that it can be any damage to their Trade, which from that part of the World consists chiefly in Sugar and Tobacco, neither of which are yet to be found in *New Caledonia*. But that which we look upon to be a compleat Answer to the Objection is this, That they may be Sharers with us in the Settlement.

settlement if they please, and by consequence Partners in the profits and Trade, and lay it under such Regulations as may prevent its endamaging the Commerce of *England*.

And whereas it is further objected, That by the great immunities and freedom from Customs granted to the *Scots* Company for so many years, we shall be able to undersell the *English* Company, forestall their Markets, and lessen his Majesty's Customs; we answer, that this Objection is in a great measure obviated, since we do not now pretend to set up an *East India* Trade; but admitting it were true, it will be to the general Advantage of the *English* Nation, since the buyers are always more than the Sellers. It must certainly be better for the Kingdom in general, that every one who has occasion for *Muslin* or *Indian Silks*, &c. should save forty or fifty Shillings per Yard or Piece in their pockets, than that some two or three Merchants should once in an Age get Money enough to make a Daughter or two a Countess or Dutchess. Nor can it be denied but it's better for *England*, that Housekeepers in general should save that Money to buy Provisions for their Families, which consumes our own Product, than that a dozen of Merchants should be enabled by the extravagant Prices of those Commodities to keep their Coachs. Add to this, that the *English* if they please by joyning with the *Scots*, may have an equal Share of all those Immunities; and if there should be for some time a lessening of the King's Customs, of which there is at present no manner of prospect, it will be sufficiently made up in time to come by a large addition, if that Colony prospers; so that the King's Bounty in that respect is but like the bestowing of charge to improve barren or waste Ground, which will return with treble Interest to him or his Heirs.

There's another Objection made against the *Scots* Company, that by their Constitution such Ships as belong to them must break Bulk no where but in *Scotland*, which will diminish the number of *English* Ships and Seamen, and make *Scotland* the only Free Port of all those Commodities. To which it's replied, That tho our own Ships are obliged to break Bulk no where but at home, they don't lay the same Obligation upon others, but allowing them a free Trade to *Darien*, they may carry their Goods where they please; and upon fair Proposals, there's no doubt but the Parliament of *Scotland* will give the *English* all possible Liberty as to that matter.

Then

Then as to the hazard of a Rupture with *Spain*, we reply, That the *Spaniards* are in no condition to break with *England* when they are not able to maintain themselves against the Insults of the *French* by Sea and Land: and the only way to secure them in the *British* Interest is to have a powerful Colony in *Darien*, which lying in the very Centre of their *American* Dominions, and within reach of their Silver and Gold Mines, will be an effectual Curb upon them, and not only prevent their own Hostilities, but their joining at any time with our Enemies; or if they do, being Masters of their Money, we shall speedily cut the sinews of their War.

In the next place we urge that it will be very much for the Interest and Advantage of *England* to encourage and support us in this Settlement.

1. Because by this means the *Scots* will increase their Shipping, and come in time to have a Naval Force, capable of assisting the *English* in the common defence of the Island, in maintaining the Sovereignty of the Seas, and conveying their Merchantmen in time of War; the necessity of which is obvious enough, since they and the *Dutch* both have scarce been able to secure their Trade, maintain the Dominion of the Seas, and defend themselves from the Invasions of the *French* during the last War. Nor can the *English* always promise to themselves the Amity of the *Dutch*, who are their Rival in Trade, and differ far enough from them both in Temper and Interest, there's nothing to cement them but the Life of our present Sovereign: Whereas the *Scots* being united with the *English* under the same Government, and inhabiting the same Island, must of necessity have the same interest as to Trade, and to defend the Country against all Foreign Invaders, as they constantly did in former times, against *Roman*, *Danes*, *Saxons*, and *Normans*, notwithstanding their living then under a separate Prince and their frequent Wars with *England*. Nor is that brave resistance which a few of them made to the *Dutch* at *Chatbam* to be forgotten, which did in a great measure repair the Honour of *England*, and make amends for the Ignominy and Disgrace which that Attempt put upon the *English* Nation.

2. As *Scotland* increases in Shipping, they will increase in Wealth, and by consequence be able to bear a greater share of the Burden of any Foreign War, which will save Men and Money to *England*, and lighten their Taxes.

3. The Success of the *Scots* in their *American* Colony, will be

an additional Strength to the *English* Plantations in the *West-Indies*, as well as an advancement of their Trade, by consuming their Product, and giving them theirs in exchange.

4. The Success of the *Scots* at *Darien* will be of great advantage to *England*; for the more Money the *Scots* acquire by their Trade, the more they will spend in *England*, which being the Seat of Government, must frequently be visited by their Nobility and Gentry, who generally furnish themselves in *England* with their best Apparel, Household-furniture, Coaches and Horses, &c. besides the Money that the young Noblemen and Gentlemen spend in their Passage through that Nation, when they go and come from their travels. These things occasion their laying out vast Sums of Money annually in the City of *London*, which being the Seat of the Government, will as certainly draw Money from *Scotland*, as the Sun draws Vapours after it.

5. The Success of the *Scots* in their foreign Plantation, will not only ease *England* of great numbers of their Pedlars, so frequently complain'd of in Parliament by Country Corporations and Shopkeepers, but it will occasion the return home, and prevent the going out of vast numbers of their Youth, who follow the same sort of Employment, or betake themselves to the Sword in *Denmark*, *Sweden*, *Poland*, *Muscovy*, *Germany*, *Holland* and *France*; by which means the Government of *Great Britain* may furnish their Fleets and Armies at a much cheaper and easier rate than formerly, and with as good Mariners and Soldiers as any in the World.

6. The *English* by joining with the *Scots* and supporting their Colony at *Darien*, may have their Plate brought home in their own bottoms, and from their own Mines, with which we are assured that Country abounds, without being obliged to touch at *Cadiz* or any foreign Port, being liable to the vexatious Idultos of foreign Princes, or in such hazard of being intercepted as they many times were during the late War.

The *English* may by joining with the *Scots* render themselves more capable than ever of keeping the Balance of *Europe* in their hands; a Trust which Nature and Providence seems to have assign'd 'em, since their Situation and Naval Force not only makes it proper for them, but they have had an opportunity put into their hands in little above the Revolution of one Century, of twice breaking the Chains of *Europe* when threatened with Slavery; first by the *Spaniards* and then by the *French*. This is so much the more evident, that
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S. by being possess'd of *Darien* they will be able either to prevent the uniting the *Spanish* and *French* Monarchies; or if not so, to render that Union so much the less dangerous, when it will be in their power to seize their Treasure and Dominions in the *Indies*, without which that bulky Monarchy must fall by its own weight. This is likewise of so much the greater importance, that it may very probably either prevent a religious War, towards which the Papists discover so much inclination, or at least bring it to a speedier Conclusion: for we have as good reason to look upon the *Spanish* Mines in the *West Indies* to be Antichrist's Pouch, by which he maintains his War against the Church as the old *Taborites* had to call the Silver Mines in *Bohemia* by that Name. It is certainly the surest Method of destroying Antichrist, to seize his Purse; for if he once be depriv'd of *Judas's* Bag, he will quickly drop *St. Peter's* Keys. It's by the Charms of her Gold that the *Babylonish* Whore hath made the whole World to wonder after her, and the Kings of the Earth to be drunk with the Cup of her Fornication.

8. By this means the *English* may be better able to prevent the ruin of their Trade in the *Mediterranean* and *West Indies*, if the *French* should possess themselves of the Kingdom of *Spain*: and they will likewise be the better able to prevent their possessing themselves of the *Netherlands*; which if once they should do, and get Ports there capable of holding a Fleet, they would also ruin their *Eastland* Trade, and put a period to the Liberties of *Great Britain*.

9. It will effectually unite the *Scots* to *England* by an inseparable Tie, if the *English* join us in this Undertaking: Their Ancestors would have gladly purchased this Union at a much dearer rate, but were always outbid by *France*: and the want of that Union made the *English* not only an easy Prey to their successive Conquerors, but lost them all the large Provinces that they enjoy'd beyond Sea, which were their natural Barriers, gave them a free Access to the Continent, and made the *English* Name so glorious in the days of their Ancestors.

10. It will be of general advantage to the Protestant Interest, and contribute to the advancement of pure Christianity, without any of the *Romish* Sophistications: which certainly ought to weigh much with all true Protestants; and so much the more, that the Pope and the Conclave of *Rome* have espoused the Quarrel of the *Spaniards* in this Affair as a Cause of Religion. Doubtless the poor *Americans* will be more

ore inclinable to embrace Christianity, when they find the difference of the Morals and Doctrine betwixt Protestants and Papists, and see that the former treat them with Humanity, and seek their Welfare both in Body and Soul; whereas the *Spaniards* have render'd themselves, and the Religion they profess, odious, by the inhuman Cruelties and brutish Lusts which they have exercis'd upon so many Millions of the Natives. This is so far from being a calumny, at an unexceptionable Author of their own, *Don Bartholomew de las Casas* Bishop of *Chiapa*, formerly mention'd, who as an Eye-witness of their Cruelties, gives an account at they had in his time destroy'd above 40 Millions of the *Indians*; tho they receiv'd them with the greatest kindness imaginable, were ready to do 'em all the friendly Offices at one man could desire of another, and testified their great inclination to have embrac'd the Christian Religion. But the *Spaniards* aim'd at the Destruction, and not at the Conversion of the *Indians*; and are avowedly charg'd with it by the said Bishop, who in many places of his Book declares, that ever they had sent for the Chiefs of the Countries to meet 'em in an amicable manner, which the poor harmless Creatures did without suspicion of any Fraud, these merciless Tyrants murder'd them by wholesale, on purpose to make themselves terrible to them. This was a Practice so inconsistent with humanity, that all the People of the World ought to have censured it; as having much more reason to declare the *Spaniards* to be Enemies to Mankind then ever the *Roman Senate* did to declare *Nero* to be such.

But this sort of Treatment compar'd with what they made others to suffer, may well be call'd Mercy: for tho it was death, the *Indians* were hereby quickly deliver'd from their misery; whereas they put multitudes of others to lingering deaths, that they might feel themselves die gradually: and that this is not so intolerable neither as the Condition of those poor People that had the misfortune to survive that Cruelty; for the whole time of their Lives under that miserable Servitude, is but Death prolong'd or making his attacks upon 'em intolerable Labour, and continual Hunger, the most insupportable of all plagues; those poor Creatures that toil in the mines, and are employ'd in Pearl-fishing, &c. having no more maintenance allow'd them, and that too of the coarsest sort, 'tis just enough to keep Soul and Body together, in order to prolong their Misery. Then let any man, who has but the least remains of Humanity left him, judge whether the *Scots* could

could be criminal, if they should have actually landed upon *Spanish* Settlement, and have seiz'd the same, in order to deliver their Brethren the Sons of *Adam*, from such hellish Servitude and Oppression as the above mention'd Bishop describes; and if no man that has any bowels of Compassion within him can say they could, what shaddow of reason is there to blame the *Scots* for erecting a Colony where the *Spaniards* never had any footing?

The next thing to be consider'd is, whether the *Scots* without the assistance of *England*, may probably maintain their footing there, which there's no doubt may very well bedetermine'd in the affirmative.

1. Because the whole Kingdom of *Scotland* being more zealous for it, and unanimous in it than they have been in any other thing for forty or fifty years past, it is not to be doubted but they will use their utmost Efforts to support themselves in it by their own Strength; or if that will not do, by making Alliances with other Nations that are able to assist them with a Naval force.

2. If they meet with no other Opposition but what the *Spaniards* are able to make to them, it will be easy for the Nobility, and Gentry, and Royal Burroughs of *Scotland*, to raise Money upon their Lands, &c. to increase their Stock for the *American* Trade, and buy Ships of Force to protect it; Nay, without that it's but giving Commission to the Buccaneers to become an over-match for the *Spaniards*.

3. Supposing the *French* should offer to join with the *Spaniards*, and assist them to drive the *Scots* from *Darien*, as some say they have already proffered; we are not to imagine that the *Spaniards* will accept their Proffers in this case, when they refused them as to the driving the *Moors* from before *Ceuta*. The Reasons are obvious: They declined the accepting their Proffers as to *Ceuta*, because they would not thereby give the *French* an opportunity of possessing themselves of any of their Towns in *Africa*, as it is but too common for foreign Auxiliaries to do in such cases. Then certainly they have much greater reason to refuse their Proffers as to *Darien*, *America* being of infinitely more value to them than some *African* Towns: and if once the *French* should get footing there, it would be in vain for the *Spanish* Grandees any further to dispute the Succession of *France* to their Crown; for they would immediately seize upon their Mines and Treasures in the *West-Indies*, without which the *Spanish* Monarchy is not able to support it self.

Or supposing the King of *Spain* should live for many years, and by consequence keep the *French* out of possession; yet having once got footing at *Darien*, which they will certainly do, if the *Scots* be expell'd by their assistance, the *Spaniards* will quickly be convinc'd to their Cost, that they are more dangerous Neighbours than the *Scots*; not only because of their greater Power to do them more mischief, but because of their incroaching Temper, which all *Europe* is sensible of; and being of the same Religion with the *Spaniards*, and having of late years set up for the Champions of Popery, they will by the Influence of the Clergy, bring all the *Spanish* Settlements of *America* to a dependance upon them, and a love for them as the great Protectors, of the Catholick Faith; which will at once destroy the Interest of *Spain* in *America*.

This will appear to be no vain Speculation, to those that consider the Temper of the Popish Clergy, and the Insolence of the *Spanish* Inquisitors, who so daringly reflected upon the late Alliance of *Spain* with Protestant Princes and States, tho' absolutely necessary to preserve that Nation from being swallowed up by *France*.

Whereas the *Scots* being zealous Protestants, and for that very reason hateful to the Popish Clergy and Laity, they are under a moral Impossibility of having so much Influence to withdraw the *American* Settlements from the Obedience of *Spain*: and besides, being under an obligation by the Principles of their Religion, and their fundamental Constitution, not to invade the Property of another, the *Spaniards* have no cause to fear any thing from them, provided they forbear Hostilities on their part; but on the contrary may find them true and faithful Allies, and useful to assist them in the defence of their Country, if attack'd by the *French* as in the late War: It being the interest of the *Scots* as well as of the *Spaniards*, to prevent the accession of the Crown of *Spain* to that of *France*.

These things, together with the known Endeavours of the *French* to procure an Interest among the Natives of that Country, and especially with *Don Pedro* and *Corbet*, in order to a Settlement, make it evident enough that it is the Interest of *Spain* the *Scots* should rather have it than the *French*, who have already been tampering with the *Spaniards* as well as with the *Indians*, and doubt not to have a large share of *America* whenever the King of *Spain* dies.

But admitting that the *Spaniards* should so far mistake their Interest, as to accept of the Proffers of the *French* to expel the *Scots*, it is not impossible for the latter to find other Allies than the *English* to assist them with a naval Force to maintain their Possession.

S. The *Dutch* are known to be a People that seldom or never mistake their Interest: They are sensible how useful the Alliance of *Scotland* may be to them, both in regard of their Liberty to fish in our Seas without controul, and of being a Curb upon *England*, in case the old Roman Maxim of *delenda est Carthago*, should come any more to be applied by the *English* to that Republick, as in the Reign of K. *Charles. II.* They are likewise sensible of the advantage it would be to their Trade to be Partners with the *Scots* at *Darien*; and how effectual it may be to disabie the *French* to pursue their Claim to *Spain*, and by consequence to revive the old Title of that Crown upon their own seven, as well as to swallow up the other ten Provinces. These things, together with a long continu'd Amity and Trade betwixt *Scotland* and *Holland*, and their Union in Religion and Ecclesiastical Discipline, are sufficient to evince that the *Dutch* would become our Partners in *America* with little Courtship. That they are able to assist us in that case with a Naval Force sufficient, is beyond contradiction: and that they would soon be convinc'd it is their Interest to do it, to prevent that monstrous Increase of the *French* Monarchy, is obvious enough from the part they acted in the late War.

But admitting that none of those Considerations should prevail with the *Dutch*, and that they should likewise abandon us; it is not impossible for us to obtain an Alliance and Naval Force from the Northern Crowns: It's well enough known that those Kingdoms abound with Men and Shipping, and that they would be glad with all their hearts to make an Exchange of these for the Gold and Silver of *America*, which they might easily carry from Town to Town, and from Market to Market, without the trouble of a Wheelbarrow, as they are now obliged to do with their Copper. From all which it is evident enough that it is not impossible for the *Scots* to maintain themselves in *Darien* without the Assistance of *England*.

The next thing to be discours'd of is, what the consequences may probably be, if the *English* should oppose us in this Settlement.

We could heartily wish there had never been any ground for this suggestion, and that the Opposition we have met with from *England* had been less National than that which we had from both their Houses of Parliament, after the passing an Act for an *African Company*, &c. in ours: And it were to be wish'd that so many of the *English* had not given such proofs of an alienated mind and averfion to our Welfare, as they have done since by their Resident at *Hamborough*, and their late Proclamations in their *West-India* Plantations; and we could have wish'd above all that His Majesty *England* had not in the least concurr'd, or giv'n his Countenance to that Opposition; for as King of *Scots* it is plain we could not do it: He hath confirm'd what we have done by the Touch of his Scepter, which no private Order or Instructions can revoke. And we could wish that his English Councillors, who put him upon these things would remember that *Strafford* and *Laurel* lost their Heads for giving King *Charles I.* that fatal Advice of oppressing and opposing the *Scots*.

We did verily think that the suffering of our Crown to be united with that of *England* in the Person of K. *James* their First, and our Sixth; our seasonable coming to the rescue of their expiring Liberties in the Reign of K. *Charles* our being so instrumental to rescue them from Anarchy and Confusion, by the Restoration of K. *Charles II.* and above all, our generous and frank Concurrence with them in the late happy Revolution, and Advancement of K. *William III.* We did verily think that all these things deserv'd a better Treatment; and to evince that they did, we shall leave to insist a little upon the first and last.

The *English* have no cause to think that we were ignorant of the Reason why their politick *Henry the VII.* chose rather to match his eldest Daughter with the King of *Scots*, than with the King of *France*, because he foresaw that if the King of *Scots* should by that means come to the Crown of *England*, he would remove the Seat of his Government thither, which would add to the Grandeur and Riches of *England*: Whereas if the King of *France* did by that means fall heir to the English Crown, he would certainly draw the Court of *England* to *Paris*. This the *Scots* were so far from being ignorant of, that many of the Nobility and Gentry did express their dislike of the Union of the Crowns, as well knowing that it would reduce our Kingdom into a Subjective and Dependence upon *England*, and drain us of what Sub-

stance we had; and therefore some of them express'd themselves on that occasion, that *Scotland* was never conquer'd till then: Yet such was our Zeal for the common Welfare of the Island, the Interest of the Protestant Religion, and of *Europe* in general, which were then almost in as much danger by *Spain*, as they had been since by *France*, that we quietly and freely parted with our King, and suffer'd him to accept the English Crown, rather than that Nation should be involv'd in War and Confusion, and the Protestant Religion indanger'd by another Successor, as it must necessarily have been, had the Infanta of *Spain*, whose Title was then promoted by the Popish Interest, succeeded. And all the reward we had for this Condescension and Kindness, was a contemptuous and disdainful refusal, on the part of *England*, of an Union of the Nations when proposed, tho' the same would visibly have tended to the benefit of the whole Island, the general advantage of *Europe*, and the security and increase of the Protestant Interest. And our King was so little thankful on his part, tho' he promis'd solemnly in the Great Church of *Edinburgh* before his departure, that he would visit his Antient Kingdom once in three years, he never saw it after but once, and that not till 14 years after. And by the influence of that same Faction in *England*, who are still our Enemies, he made Innovations both in Church and State, contrary to the Laws of the Land, and his own solemn Oath; which laid the foundation of all those Disasters that ended in the fatal Exit of his Son, and the subversion of the Government of both Nations. These were the first Advantages we had by the Union of the Crowns.

His Son King *Charles I.* had scarce ascended the Throne, when we had new Proofs of the Disadvantages we labour'd under by that Union; for he by the Advice of some Enemies to our Nation, did in an imperious and arbitrary manner send for our Crown, tho' the only Monument almost left us of our Independency and Freedom; but was generously answer'd by him that had it in keeping. That if he would come and be Crown'd in *Scotland*, he should have all the Honour done him that ever was to his Ancestors; but if he did not think it worth his while, they might perhaps be inclin'd to make choice of another Sovereign, or to that effect; as recorded in the Continuation of Sir *Richard Baker's* History. Another Disadvantage we had by that Union of the Crown, was this, That that unfortunate Prince being inspir'd with an aversion to the Constitution of our Country,

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by his Education in the Court of *England*, he made an unnatural War upon us to bring us to a Conformity with *England* in Church-Matters. We shall not here offer to debate which of the Churches was best constituted, or most agreeable to the Scripture-Pattern : It suffices for our Argument, that we were injur'd in having a foreign Model offer'd to be obtruded upon us, which was the Consequence of the Union of the Crowns, and of having our King educated in another Nation ; but that was not all, another mischievous effect of the Union was this, that whatever King *Charles* had reserv'd at our hands, yet out of natural Affection, Conscience and Honour, we were oblig'd to do what we could to prevent his illegal Trial and Death, and to defend his Son's Title, which threw us into Convulsions at home, occasion'd the loss of several Armies, and expos'd our Nation afterwards to ruin and devastation by our implacable Enemy the Usurper, which together with the ungrateful Retributions made us by the Government after the Restoration, were enough to have wearied any Nation under Heav'n, but our selves, of the Union of the Crowns.

Yet such was our Zeal for the Protestant Interest, the Velfare of the Island, and the Liberty of *Europe*, that though we had a fair opportunity of providing otherwise for our security and the Advancement of our Trade, and of forming ourselves into a Commonwealth, or of bringing *England* to our own terms, yet we frankly and generously concurr'd with them to settle our Government on the same Persons, and in the same manner as they did theirs, and all the Reward we had from them is, that an Union of the Nations, so twice propos'd by his Majesty in Parliament, hath been contemptuously rejected, our King questioned by a Parliament of *England* for an Act of his Parliament in *Scotland*, which is a manifest Impeachment of our Sovereignty ; a compliance with which excluded *Balliol* and his Heirs for ever from our Crown ; and to this they have added an opposition to our receiving foreign Subscriptions at *Hamburg* and elsewhere, refus'd us a Supply of Corn for our Money, to relieve us in our Distress ; and discourag'd our Settlement in *Darien*, by forbidding their Subjects to trade with us there. If these continued Slights and Injuries be not enough to make us weary of the Union of the Crowns, let any Man judge.

To discover a little of the unreasonableness of this sort of treatment, we dare appeal to the calm thoughts of such of

S. our Neighbours in *England*, as prefer the Interest of the Publick to private Animosities, and foolish ill-grounded Piques, either as to Church or State; whether at the time of the Revolution, and before we declar'd our selves, they would not have been willing to have assur'd themselves of our Friendship, at the rate of uniting with us as one Nation? Had we but demurr'd upon forfeiting the late K. *James*, or made but a Proffer of renewing our antient League with *France*, and joining with that Crown to keep that Prince upon the Throne of *Great Britain*; they know we might have made what Terms we pleas'd with the late King and *Louis XIV.* on that condition, and might have been restor'd to all the Honours and Privileges that our Ancestors enjoy'd in *France*, which were almost equal to those of the Natives; and yet that gallant Nation thought it no disparagement to them, however we be despis'd and undervalued now by a certain Party in *England*.

Had we but seem'd to have made such Overtures, the English must needs have foreseen that the natural Consequences of such a Design, if it had taken effect, must have been these, viz. the late King's Adherents in *England* would certainly have join'd us, and our Nation would have afforded them a safe retreat, in case of any Disaster, till they could have concerted Matters to the best advantage; the late King would not have yielded himself such an easy Conquest, nor disbanded his Army in such a manner as he did; *Ireland* had certainly never revolted, since every one knows that the Revolution was begun, and in a great measure perfected there by the *Scots* of the North; so that *England* must have become the Theatre of War, been liable to an Invasion from *France* on all occasions, would only have strengthened her Fetters by struggling with them, and expos'd all the Patriots of her Religion and Liberty to Butchery and Destruction.

These must certainly have been the Consequences of our adhering to the late King, and the English would have thought they had had a very good Bargain if they could have bought us off in that case with uniting both the Kingdoms into one, and granting us a joint Trade to their own Plantations; whereas now they will not allow us to settle a foreign Colony of our own, and treat us as Foreigners in theirs.

To shew that this is not a meer Conjecture, that has no other ground but a Vision of the Brain, they may be pleas'd to consider the honourable Privileges granted us by their Ancestors,

Ancestors, and some of the greatest Princes that ever sway'd their Scepter, viz. King *Edward* and *William* the Conqueror, who by the Consent of the States in Parliament assembled, enacted, *That the Scots should be accounted Denizens of England, and enjoy the same Privileges with themselves, because of their frequent Intermarriages with the English, and that they did ever stand stoutly as one Man with them for the common Utility of the Crown and Kingdom, against the Danes and Norwegians, fought it most valiantly and unanimously against the common Enemy, and bore the burden of most fierce Wars in the Kingdom. This they will find in a Book call'd, Archaionomia, translated from the Saxon by William Lambarde, and printed at London by John Day, in 1568.*

It must be granted, that the Reasons of such a grateful Retribution are redoubled now: Intermarriages betwixt the two Nations are more frequent than ever; the Union of the Kingdoms under one Crown for almost 100 years; the generous Concurrence of the *Scots* in the last Revolution; their loss of so many gallant Officers and brave Soldiers in the common Cause during the late War, and the preservation of *Ireland*, which hath been twice owing to our Countrymen, might reasonably entitle us to the same Privileges now, that our Ancestors were formerly allow'd by King *Edward* and *William* the Conqueror. We need not insist on another sort of Obligation, that we have put upon *England* twice within this 60 years, viz. the delivering them from their Oppressions in the time of K. *Charles I.* the Anarchy of the Rump, and several Models of Armies and Juntos, by encouraging General *Monk's* Undertaking; for it cannot be denied that we had the Ballance of *Europe* in our hands at the time of the last Revolution, and that we turn'd the Scale to the advantage of *England* in particular, and of *Europe* in general, which must be allow'd to be as great a Service, as that which was so thankfully rewarded by *Edward*, and *William* the Conqueror; whence it is evident that those Englishmen, who at present oppose our Settlement in *America*, don't inherit the gratitude of their Ancestors, when they not only will not allow us to trade in conjunction with them, but withstand our doing any thing that may advance a Trade by our selves.

If they object that what we did in all those cases was no more than our duty, and what we ow'd to our own Preservation as well as to theirs: It is easy to reply, that admitting it to be so, yet by the Laws of God and Men People are in-

S. courag'd to perform their Duties by Rewards; and their Ancestors were so sensible of this, that tho they knew we were equally concern'd to defend the Island against foreign Invaders as well as they, yet they thought themselves oblig'd in Policy as well as Gratitude, to reward us; which they not only did by that Honorary *Premium* of allowing us to be Denisons of *England*, as above mentioned, but sometimes gave to us, and at other time confirm'd to us three Northern Counties of *Northumberland*, *Westmoreland*, and *Cumberland*, to be held in Fee of the Crown of *England*.

It is likewise very well known with how much Honour the Parliament of *England* treated us, when they courted our Assistance against K. *Charles I.* and what large promises that Prince made us, if we would have but stood Neuter; which tho' we had reason to think many of those that opposed him had no great kindness neither for our Civil nor Ecclesiastical Constitution, yet the sense that we had of the common Danger that our Religion and Liberties were in at that time, made us proof against all those Temptations; so that after all Endeavours for a Reconciliation betwixt the King and the Parliament of *England* prov'd unsuccessful, we sent in an Army, which cast the Ballance on the side of the latter; who before that time were reduc'd low enough by the King's Army, as is very well known to such as are acquainted with the History of those times, and is own'd by my Lord *Hollis* in his Memoirs lately publish'd.

But to return to the last Révolution: Tho we must own that we owe our Deliverance to his present Majesty, and were oblig'd in Conscience and Honour to concur with him; yet who could have blam'd us to have stood upon Terms before we had fallen in with *England*? especially considering how ungratefully (nay villainously) we were treated by *Cromwel* and his Party, after we had sav'd them and the Parliament of *England* from the Scorpions that the Cavaliers had prepar'd to chastise them with; as is own'd by the said Lord *Hollis*. Nor could we have been any way culpable, if we had stood upon higher and surer Terms with his Majesty, considering how unthankfully we were abus'd and enslav'd by our late Kings, for whom we have acted and suffered so much. And tho we must own that no less Present than that of our Crown was sufficient to testify our Gratitude for what the Prince of *Orange* had done for us, yet we were under necessity of gratifying him in that manner, since our deliverance

was

as effected before hand, and that he himself in his Declaration express'd it to be no part of his design to come for the crown; so that our Reward was as frank and generous as is Service.

Then as to *England*, we were under no manner of obligation to continue the Union with them: We might have insisted upon having our King obliged to reside as much amongst us as amongst them: that we should be govern'd without any consideration or respect to their Interest, any farther than it fell in with our own. We might have insisted upon an Act that we should not be oblig'd to attend his Majesty at any time at the Court of *England*, about our Affairs, but that he should either attend upon our Administration in Person *pro re nata*, as he does now upon the Affairs of *Holland*, or lay down Methods to have his Pleasure signified to us at some in such cases as it was requir'd; which would save a vast deal of Money annually to the Kingdom of *Scotland*. Then as to the Succession, we were under no necessity of settling it in the same manner as they did in *England*: for since they had made a Breach in the Line, they could not handsomely have clam'd us to have made an improvement of it, and either to have limited the Reversion after his present Majesty's Death, as we should have thought best, for the security of our Civil and Religious Liberties; or we might have settled it upon the Prince of *Orange* and his Issue by any other Wife, there being cause enough then to conceive that he was never like to have any by his late excellent Princess. Had we taken any of these Methods, it must be own'd that *England* would have been considerably weakned, and lessen'd in the Esteem of the World by it; that we should have thereby had an opportunity of making such foreign Alliances with *France*, as formerly, or with any other Nation as would have made *England* uneasy, and perhaps unsafe, on occasion; and therefore it must be reckon'd highly impolitick, as well as ungrateful, in our Neighbours to treat us continually at such a rate, as if they had a mind to bring us under subjection, since we have so many open Doors to get out at.

They must not think that we have so far degenerated from the Courage and Honour of our Ancestors, as tamely to submit to become their Vassals, when for 2000 years we have maintain'd our freedom; and therefore it is not their Interest to oppress us too much. If they consult their Histories, they will find that we always broke their Yoke at long-run, if at any time we were brought under it by Force or Fraud. The best

best way to assure themselves of us is to treat us in a friendly manner: Tho' we be not so great and powerful as they, it is not impossible for us to find such Allies as may enable us to defend our selves now as well as formerly.

None of these things are suggested with an ill design to raise Animosity betwixt the Nations, or to perswade to a Separation of the Crowns, but meerly to shew those of our Neighbours, who use us so unkindly, that they are bound in Gratitude, Duty and Interest to do otherwise, and particularly to support us in our *American* Settlement, and not to lay our King under a necessity by their forward Humours in Parliament or otherwise, to discourage us in that Undertaking, as they have hitherto done, and continue still to do in their *American* Colonies, by their Proclamations against having any Commerce or Trade with the *Scots* at *Darien*; tho' they be settled there according to the Terms of his own Patent, and an Act of Parliament in *Scotland*.

We are not insensible that the present Juncture of Affairs obliges the Kingdom of *England* to carry fair with *Spain*, and may admit that in part as an Apology for some of that Opposition we have met with from them; but the questioning our Act of Parliament at first, and their hindring our Subscriptions at *Hamburg* afterward, before ever they knew what our design was, make that Excuse of little weight: But allowing it all the force they would have it to bear, it may be worth their while to consider whether it be more their Interest to encourage the *Spaniards* in an unjust Opposition to our *American* Settlement, or to support the *Scots* in maintaining their Right. It is certain that the *Spaniards* are in no condition to break with *England*; or if they should, it's in the power of the *English* to reduce them speedily to reason; whereas if the *Scots* should miscarry in their Undertaking by the Discouragements from *England* before-mentioned, which exposes our Ships to be taken and treated as Pirates by any Nation that pleases, the infallible consequence of it will be, that the Ruin and utter Impoverishment of *Scotland*, which must necessarily follow such a Miscarriage, will immediately affect *England* both in her Trade and Strength: The City of *London* and the Northern Road will soon feel the effects of it, when the Money spent by our Gentry and Merchants continually for Cloaths, Provisions, and Goods, ceases to circulate there: *England* must unavoidably become an easier Prey to any foreign Enemy; since it will not be only the Loss of a Tribe, but of an

entire

tire Sister-Nation. Or supposing that *Scotland* should be
 le to bear up under the Loss, it will lay the foundation of
 irreconcilable Feud, and perhaps issue in a War betwixt
 e two Nations which did never yet terminate at long-run
 the advantage of *England*, and is as unlikely to do so now
 ever: for in such a Case they would find us unanimous as
 ne Man against them; whereas we are sure that all those
 ho wish well to the Protestant Interest, and their present
 constitution, would never join in any such War against us;
 and therefore those who are Enemies to the Peace of the Na-
 ons, being aware of this, labour to effect their Design by a-
 other Method, and endeavour as much as they can to dash
 ne Government and us against one another. But they are
 mistaken in the People of *Scotland*: we are so sensible of our
 obligations to K. *William*, and know so well what is due to
 ar Deliverer, that it surpasses all their Art to create in us
 re least ill thought of him; it is not in the temper of our Na-
 on. The World knows that however frequent and success-
 l we have been in reducing our bad Kings to reason, yet
 ere never was any People under the Sun more loyal and
 fectionate to good Princes then we have been; and if, when
 e have been forc'd to oppose our Monarchs, private Persons
 ave sometimes carried their Resentments too high, yet the
 ublick Justice of the Nation was always govern'd with Tem-
 er. We could multiply Instances to prove this, but need go
 o higher than the three last Kings, who tho all of them E-
 ies to our Constitution, as appear'd by their Principles
 nd Practices, yet it's very well known what we both did
 nd suffer'd for them, and particularly for K. *Charles I.* tho
 e Malice of a Faction in a neighbouring Nation fix'd a
 andalous Reproach upon us, as if we had sold him; from
 hich Reflection we are sufficiently vindicated by the Lord
Hollis's Memoirs before-mentioned; wherein that excellent
 erson makes it evident, that tho our War against that
 rince was just, yet we had all possible respect for his Per-
 n, made the best Conditions we could for his Safety and
 onour, and to avoid greater Mischiefs, and the playing of
 ar Enemies Game to the ruin of our selves and his Majesty,
 e were necessitated to leave him in *England*. *Memoirs p.*
 3.

Then since we carried it so to a Prince that had been no
 ay kind to us, it will be impossible to create a Breach be-
 wixt us and a Prince, to whom, under God, we owe all that
 e enjoy as Men and Christians: But at the same time our
 Neighbours,

S Neighbours, who think to drive that Nail as far as it will go, would do well to consider that we never believ'd that Doctrine in *Scotland*, that it is unlawful to resist a King, or any that have a Commission under him, upon any pretence whatsoever : we left that Doctrine in *Scythia*, from whence some Authors derive our Origin, and think it only fit to be sent back to *Turkey*, from whence it came. We know very well how to distinguish betwixt a lawful Power, and the abuse of it; and our Ancestors rightly understood how to obey the lawful Commands of their Princes, when Masters of themselves, and how to govern by their Authority, and in their Name, when they were not ; tho they did not think themselves obliged to obey their personal Commands, when the Fortune of War, or other Accidents had put them into the hands of our Enemies, Thus we refused Obedience to K. *James I.* when detain'd Prisoner in *England* contrary to the Law of Nations, and carried over into *France*, to command his Subjects there not to bear Arms against the *English* Army, where he was in Person. We told him we knew how to distinguish betwixt the Commands of a King and those of a Captive : and that most of the Kings of *Scots* have been such in relation to us since the Union, we could heartily wish were not too demonstrable.

To return to the point of what may probably be the Consequences if the *English* should proceed to any further degree of opposition; or if the *Scots* should miscarry in the Design. It's reasonable to believe that the *English* will be so wise as to forbear Hostilities, tho we are very well satisfied there is a Party in that Nation who bears ours no good will ; but they being such as are either disaffected to the present Constitution, or acted by a sordid Principle of private Interest, it's to be hop'd they will never be able so far to leaven the sound part of the *English* Nation, as to occasion a Rupture betwixt them and us : Yet we must needs say that we look upon their way of treating us to be a very unaccountable thing, and that it was no small surprise to us, to find that an *English* Parliament should look on our taking Subscriptions in *England* in order to admit them Joint-Sharers with our selves, in the benefit of the Act to encourage our Trade, to be no less than an high Misdemeanour. We have reason likewise to complain of their constant practice of pressing our Seamen in time of War, as if they were their own Subjects, and that they should treat us in other respects as if we were Aliens ; And sometimes confiscate Ships, by reckoning *Scots* Mariners as such :

each: So that the *English* have not only depriv'd us of our Government and the warm Influences of our Court, the want of which is a considerable addition to the natural coldness of our Climate, but they likewise oppress us on all occasions, and do manifestly endeavour to prevent our Application to Trade. We know there's a Party in that Nation, who think we sustained no great loss by the removal of our Princes; but we would wish them to consider what a murmuring they themselves make when the King goes annually to the *Netherlands* (tho the safety of *Europe* requires it) because of the damp it puts upon Trade, and the Money it carries out of the Kingdom. Let them consider then what our Nation has suffer'd in that respect now for almost 100 years, besides the lessening our esteem in the Eyes of the World, so that our Honour and Substance are both swallowed up by the Kingdom of *England*; and yet they will neither admit us to the privileges of Fellow-Subjects with themselves, nor suffer us to take such measures as may enable us to stand on our own bottom. Certainly this is not the way to establish the Peace, nor to increase the Wealth of the Island.

We know that it was a Maxim in some of the late Reigns, that it would never be well till all that part of *Scotland* on this side *Forth*, were reduc'd to a hunting field; but we were in hopes the bitterness of those days had been past: Yet it seems that Party have still so far the ascendant amongst our Neighbours, as to procure a publick opposition to all our Endeavours for raising our Nation by Trade.

It will upon due examination be found as bad Policy as it is Christianity, to urge, as some of our Neighbours do, that it is the Interest of *England* to keep the *Scots* low, because they are an independant and free Nation, and were our antient Enemies; and therefore may be dangerous Neighbours if they grow rich and potent. Nothing but Rancor and inbred Malice can suggest such sour thoughts as these. It were fit that sort of Men should be purg'd of their Choler. The *Scots* to obviate all dangers from that Head, have, tho' they be much the antienter Nation, condescended so far as several times to propose an Union, which the Gentlemen of that *Kidney* have hitherto prevented; and therefore we would wish them to look back into their Histories, and upon casting up their Accounts, make a true Estimate of what ever they gain'd by a War with *Scotland*. They will find that their Ancestors, as well as the *Romans*, have been sensible,

ble, as *Tacitus* expresses it, *Quos sibi Viros Caledonia seposuerit*; and that as it was true what our Historian says of the unjust and treacherous War made upon us by *Edward I.* that *Scotorum Nomen pene deleuit*; it was also true what he says on the other hand, that *Angliam vehementer concussit*. So that those Gentlemen take the direct way by opposing and oppressing us to run into those dangers they would avoid; for they may assure themselves that if the *English* Opposition to our *American* Settlement should once break out into Hostilities, the *Scots* will find some Allies, antient or new, that will be glad of the opportunity to join with them. Or if, which is most probable, tho' highly ungrateful and impolitic, the *English* should so far neglect the *Scots*, as to suffer them to be overpower'd by the *French*, they may be sure that the *Scots*, when put to their last shift, can always make an honourable Capitulation with *France*: It's not to be doubted, but that Crown would be very willing to renew their antient Alliance with us; and besides allowing us a Share at least in the Trade of *Darien*, would on condition of giving them the Possession of *New Caledonia*, restore us likewise to all our antient Privileges in *France*. They would think it a very good purchase if they could secure themselves of that Colony by doing so, granting us what security we could reasonably desire for the uninterrupted Injoyment of the Protestant Religion, and a Freedom of Trade to all places of the World where it did not actually interfere with their own Settlements and Colonies. So that if this should be the case, we leave it to our Neighbours to judge what would become of their *East* and *West-India* Trade and Plantations, and of their own Liberty, and whether they would be able to stand out against *France* and us, now that they have no footing on the Continent, since formerly, when they had so many Provinces of that Kingdom in their possession, they found it a hard matter to do it, and at last lost every foot of their *French* Dominions; whereas had they been in Union with us, they might certainly have retained them, and by consequence have prevented the great Calamities that *Europe* hath since groan'd under by the prodigious Increase of the *French* Monarchy.

This we think sufficient to convince those angry Gentlemen in our Neighbouring Nation, that are so very much disgusted with our *American* Settlement, that it is the Interest of *England* to joyn with us and support it, and that it may be of dangerous consequence to them either to oppose

or neglect us: Whereas by joyning cordially in this matter, they may unite us inseparably to themselves for ever, enrich their own Nation, secure and advance the Protestant Interest, keep the Ballance of *Europe* in their hands, and prevent the returns of its danger, their own expence of Blood and Treasure to save its being threatned with Slavery any more, either by the House of *Bourbon* or *Austria*. Therefore we cannot believe after all, but our wise and politick Neighbours will at last see it their Interest to protect and encourage us in this matter, that we may mutually strengthen and support one another against the *French*, who are loudest in their Clamours against our Settlement, because if encouraged and improved it will defeat all their ambitious and Antichristian Designs; and thereby we shall also be in a condition to assist the *English* Plantations in the *West-Indies*, who as we find by the proceedings of the Earl of *Bellomont*, and the Assemblies of *New-England* and *New-York*, are sufficiently sensible of their danger, from the incroaching temper of the *French*, which increases every day; and it is evident that their new design'd Colony in *Mississipi* River looks with a dangerous Aspect upon all the *English* Plantations in *America*, and may be more justly esteemed an Incroachment upon *Spain*, as being in the Bay of *Mexico*, than our Plantation in *Darien*: which argues the treacherous Humour of that Nation, to make such an Outcry against the *Scots* who have invaded no Mans Property, when they themselves are so notoriously guilty of it; and therefore it would seem to be the Interest of *England* rather to strengthen themselves by our Friendship, and to look after the *French*, than to provoke us to look out for other Allies by their opposition and neglect.

We shall conclude this matter with one or two more Arguments to prove, That it is the Interest of *England* to join with us in this Affair; by which also it will appear that there is nothing advanc'd in these Sheets out of any ill Design against the *English* Nation, or to perswade to a disuniting of the Crowns; but on the contrary, that a stricter Union is absolutely necessary, that both Nations may have but one Interest, which will render us less liable to Convulsions and intestine Commotions home, and put us out of danger of being attacked by Enemies from abroad.

The first Argument is this; That by encouraging our Settlement at *Darien*, English Ships that have occasion to pass by those Coasts will there be certain of place of Retreat, in case of attack either by Enemy or Tempest, without

without danger of being confiscated by the *Spaniards*, and having their Men condemn'd to be perpetual Slaves in the Mines.

2. If we be encouraged in our *American* Colony, it will contribute much to heighten the Consumption of the *English* Product; since what we have not of our own, and where we are wanting either as to quality or quantity, we shall supply our selves, for the use of our Plantations, in *England*, which may be of great benefit to the Northern Counties especially, whence we may conveniently furnish our selves with Beeves for victualling our Ships, our own Cattel being for the most part too small for that use: besides many other things that we shall have occasion to export from *England* for the use of the Plantation, and to maintain a Commerce with the Natives.

3. By joyning with us in this Colony, and securing a Possession on the South-Sea, which the Princes of *Darien* will no doubt very readily agree to, they may shorten their Voyages to the *East-Indies*, and by that means be able to outdo all their Rivals in that Trade; but if they will be so far wanting to themselves, as to suffer those advantages to fall into the hands of others who are Enemies to our Religion and common Country, they cannot blame the *Scots*, who have made them such fair Offers; and if our Nation should miscarry in the Attempt they themselves cannot expect to stand long, but must be buried in the common Ruins, and fall unpitied.

4. If after all the *English* should continue obstinate in their Opposition to us, as their late Proclamations in *America*, and other Passages would seem to imply they have a mind to, the World cannot blame the *Scots* to provide for themselves by such other Alliances as they shall think meet; since the *English* are so unkind, and have been constantly growing upon us, especially since the Restoration of King *Charles II.* to which we did so much contribute, that without our concurrence it could never have been effected. This will appear to be incontrovertibly true, if we consider that in the time of *K. James I.* we were under no Restrictions as to matters of Trade more than they, except as to the exportation of Wool, and a few other things of *English* Product; and so we continu'd till the Restoration, when *K. Charles II.* and the *English* did very ungratefully lay such Preclusions and Restrictions upon us contrary to the Laws relating to the *Postnati*, by the 12th of *Car. 2.* for the encouraging and increasing Shipping and Navigation, and the 15. *Car. 2.* for the encouragement of Trade.

Trade; by which we are put in the same Circumstances as to Traffick with *France* and *Holland*, and in a worse condition than *Ireland* that is a Conquest; which is so much the more unreasonable, since we are always involv'd and engag'd in the Wars betwixt *England* and other Countries: and those with whom they have most frequent Wars, being *Holland* and *France*, the only two Nations with whom the *Scots* have almost any Commerce, our Trade must of necessity sink during such Wars, whereas *England* hath still a great Trade to other parts of the World; and by this means we are forc'd to be sharers in their Troubles, tho they will not allow us to partake of their Profits, nor suffer us to take any measures to procure such as we may call our own.

It is plain from the Instance of *Darien*, and the Proclamations in the *English American Colonies* against their Subjects entertaining any Commerce with our Settlement there, that by the Union of the Crowns upon the present footing, we are in a worse condition than ever; for when any thing happens wherein the Interest of *England* seems to be contrary to ours, it is certainly carried against us, and we are left without remedy: so that in this respect we are in a worse condition than any Foreigners, with relation to *England*; for if a foreign People discover any thing that may be of advantage to them, they are at Liberty to pursue it by themselves, or to take in the Assistance of others; and if they find themselves aggriev'd by *England*, they have their respective Governments to make application to for redress: but we are the most unhappy People in the world; for if *England* oppose us, we have no King to appeal to, but one that is either an Alien and Enemy to us, as being King of a greater People who are such, or if he be inclinable to protect and do us Justice as King of *Scots*, he is a Prisoner in *England*, and cannot do it: If they question him in the Parliament of *England* for any thing relating to his Government of *Scotland*, as in the case of our late Act for an *East-India* and *African Trade*, his Interest as King of *England* obliges him to submit himself as King of *Scotland*; by which means our Crown, which we defended so gallantly for so many Ages, and which the *English* could never make subject to theirs by force, is now entirely subjected by a false step of our own, in suffering our King to take their Crown upon him without making better terms for our selves: So that instead of having King to fight our Battels, we have made a surrender of our Prince to the Enemy, who arm him against us; and which is worst of all, we have falsified our own Proverb as to our selves, that cots-men are wise behind hand: for tho we sufficiently

smarted

snarted for it in the four last Reigns, yet we hadnot so much foresight or care of our selves as to prevent the Consequences of it in this Reign, when it was in our power to have done it. Then if we make application to our antient Allies, or any other foreign Power for Assistance, when we groan under Oppression we are treated as Rebels: Thus our whole Nation was proclaimed such for but offering to make application to the King of *France*, as our antient Friend and Ally, when a certain Party in *England* had arm'd our natural Sovereign K. *Charles*. I. against us. And that which is still worse, tho our Crown from the time of the Union has been for the most part on the Head of an Alien or Enemy, yet it has influence enough to divide us amongst our selves against the Interest of the Nation: as in the Reign of K. *Charles* II. those that comply'd with the Court of *England* were brib'd with all the chief places in our Administration, whilst those who were true Patriots to their Country (as for Honour sake to instance only in the late Great Duke of *Hamilton*, and our present Lord High Chancellor) were expos'd to all manner of Dangers and Vexations. This we think sufficient to convince our Neighbours that we have no reason to be fond of having the Union of the Crowns continu'd, except the Interest of the Nations be more closely united than ever they have hitherto been. And to let them see that it is their interest as well as ours it should be so, we shall only desire them to consider how fatal it may be to them, if by any Emergency we should be forc'd to break off the Union of the Crowns, and enter again into a *French* Alliance. It's in vain for them to object that in such a case we should betray our Religion; for we see the persecuted *Hungarians* were protected in that by the *Turks*, tho sworn Enemies to it: nor is it impossible but there may be a change as to that matter in *France*; L. XIV. is not immortal: and even *Julian* the Apostate himself found it his Interest for some time to protect the Orthodox Christians, whom he mortally hated. But supposing (as indeed there's no great likelihood of it) that no such Alliance as this should ever happen; yet however, if these two Nations be not more closely united, it may be of ill consequence to *England* if any of their Kings at any time should be so far disgusted with their Proceedings, as to leave them, and betake themselves to us. What a Field of Blood and Slaughter must *England* have become, had we carried off K. *Charles* I. when he came to our Army, or if we had join'd him against the Parliament of *England*? What great Efforts did a Party of our Nation make to inthron

Charles II. when *England* was against him ; and how did our Concurrence afterwards with General *Monk* effect it ? How soon did our espousing the D. of *York's* Interest turn the Tables upon those that opposed him in *England* ? And if our Nation had likewise espous'd his Cause before the Revolution, the Viscount of *Dundee* gave a sufficient proof what we could have done for him. There's a strong Party in *England* at present against allowing the King a Standing Force, or fear, as they pretend, of losing their Liberties ; but all their Opposition in that respect would signify little (if in case of a Rupture) our Nation should take part with the Court, and bring in 22000 Men, with 6 Weeks Provisions and Pay, as we are oblig'd to do by Act of Parliament, for Assistance. This makes it evident that it is not the Interest

England to slight an Union with us so much as they have done : For so long as we remain divided, any King that is so minded, may make use of us to enslave one another : and any envious Neighbour, whose Interest it is to keep this Land low, will be sure to blow the Coals. If they'd but turn the Tables, and make our Case their own, they would quickly be satisfied of the truth of what we advance. Supposing that the Government of *Scotland* should traverse the Actings of the Government of *England*, in relation to their Trade, &c. as they have done ours ; and supposing that a Parliament *Scotland*, when the King were there, should question him for the Navigation Act, and that for the Incouragement of Trade in *England* by *K. Charles II.* which lays us under such hard Circumstances and Restrictions, the *English* would certainly very much resent it, and speedily tell us we meddled with what did not belong to us : Then why should they deny us the like liberty in reference to their Proceedings against us, seeing we are a free Nation as well as they ?

They cannot think that the Kingdom of *Scotland* will look upon the *English* Proclamations in the *West-Indies*, against giving any Commerce with our Colony at *Darien*, to be the Act and Deed of a King of *Scotland*, since it is not only contrary to his own Act of Parliament there, and his Patent under the Great Seal of that Kingdom, but contrary to the Interest of that Nation : but being the Act of a Person who is really King of *Scots*, we can look upon it to be no other than the effect of a Force put upon him by a Nation which in this matter thinks it their Interest he should do so. Now suppose, which God forbid, our Colony should be starv'd by virtue of those Proclamations, or that our Ships going and coming

S from *Darien*, should by reason thereof be attack'd, and treated as Pirates by the *English*, *French*, *Dutch*, or any other Nation, who may take the opportunity to do it, and say our King has declar'd against us; to whom should we make application for redress in this Matter? The King of *England*, he is our Enemy and emitted those Proclamations; the King of *Scots* is detain'd in *England*, and not Master of himself, but is forc'd to act thus contrary to the Interest of his own antient Crown and Kingdom; as a former K. *William*, *John Baliol*, and *James I.* were forc'd to do, when in the Power of the *English*. In such a case, if our infant Colony should by this means be destroyed, our Neighbours must needs think that we should look for a Compensation somewhere, resume the Government into our own hands, and strengthen our selves by new Alliances; which perhaps might be little to their advantage. This is not suggested as a thing that is ever likely to be practis'd or to which the Kingdom of *Scotland* is any way inclin'd: Our whole Conduct since the Union is a continu'd evidence of the uprightness of our Intentions towards *England*; and the Offers we did make, and do still continue to make, of admitting 'em as Partners and Sharers in our new Settlement are enough to stop the mouth of Calumny it self. But if in return of our kindness we meet with Neglect and Contempt, have our Sovereignty trampled under foot, our Settlement in *America* by an Act of Parliament in *Scotland* reflected upon as unjust by Proclamations from *England*, the World cannot blame us to complain of the Violence done to our Independency and Honour; which is not to be slav'd by any Politick considerations whatever, that our Neighbours can pretend for this Treatment.

Nor can any thing less than joining with us, and protecting that Settlement against all opposition in case of Attacks by the *French*, or others, sufficiently atone for what is already done, or heal the Wound those Proclamations have given to the common Interest and Honour of the Island.

We come in the next place to give a Description of the *Isthmus* of *Darien*. It lies betwixt the 8th and 10th Degrees of Northern Latitude, and the narrowest place is betwixt 60 and 80 *Italian* Miles over. We shall not trouble our selves with the Description of any more of it than is in the possession of the Natives, which is in length from E. to W. on the North side from the mouth of the River *Darien* to Port *Scrivan*, above 140 *Italians* Miles; from *Curet Bay* to the River of *Cheapo* on the Southside, it is about 160 in length. It is supposed

posed to take its Name from the great River of *Darien*, that bounds its Northern Coast to the Eastward. It is bounded on the North and South with the vast Oceans that carry the names of the North and South Seas. Its Situation is very pleasant and agreeable, and very commodious for a speedy and short Communication of Trade betwixt the North and South Seas, and preventing that vast Compass that must otherwise be fetch'd round either of the Extremes of North and South *America*. By this means also it lies convenient for a Speedier Communication of Trade betwixt *Europe* and the *East-Indies* than any that hath hitherto been found out, Mr. *Dampier* says, that from *Cheapo*, or *Santa Maria* River, a man may pass from Sea to Sea in three days, and that the *Indians* do it in a day and a half. There are abundance of valuable Islands on both sides the *Isthmus*, which prevent the breaking in of the Ocean upon it at once; and besides the Conveniences of Wood, Fish, Fowl, and Water, afford good and safe Riding in all Weathers, to any number of ships, especially those call'd the *Sambaloes*, that lie along the Northern Coast. The Continent is agreeably intermix'd with Hills and Valleys of great variety, for heighth, depth, and extent. The Vallies are watered with Rivers, Brooks and springs, which take their rise from a great Ridg of Hills that run along the *Isthmus*, but nearest to the Northern Shore, from which it is seldom above 15 Miles distant, and from whence the *Sambaloes* Islands, and the various Makings of the Shore, and the continued Forest all along the Country satisfy the Eye with a very fine prospect. The Rivers on the Northern Coast are generally small, because their Course from the abovementioned Ridg of Hills is but short; yet the Rivers of *Darien* is very large, but the depth of its entrance not answerable to its width, yet further in it is deep enough, and hath a good Harbour in *Caret* Bay which is some Leagues up the River, hath two Islands of pretty high Land, cloath'd with variety of Trees lying before it, and two or three streams of fresh Water falling into it. From this Bay to the Promontory near *Golden Island*, the Shore is indifferent-ly fruitful, and the Soil on the Northern Coast is generally good, but swampy here and there to the Sea.

To the Westward of the Promontory, at the entrance of the River, is a fine sandy Bay with three Islands, one of them, *Golden Island*, lying before it, which make it an extraordinary good Harbour. *Golden Island* is rocky and steep all round, except at the Landing Place on the South side, so that it is naturally fortify'd. The Land of the *Isthmus* over a-

S gainst it to the S. E. is an excellent fruitful Soil, West of this Island lies the largest of the three, being swampy and covered with Maingroves. To the North of these lies the Island of *Pines*, cover'd with tall Trees fit for any use. From the Point against these Islands for three Leagues Westward, the Shore is guarded by Rocks, so that a Boat cannot land; but at the N. W. end of the Rocks there's a very good Harbour, and good Riding as has been said, in all Winds, by some or other of those Islands, which with the adjacent Shore make a lovely Sandskip off at Sea, The Channel betwixt them and the *Isthmus* is two, three, and four Miles broad, and navigable from end to end; and the Ground opposite to them within Land an excellent Soil, and a continued Forest of stately Timber-trees.

On the South-side there's the River *Sambo* that falls into the Sea by point *Garachina*. This is a large River. Then there's the Gulph of St. *Michael*, made by the Outlet of several considerable Rivers, as those of *Santa Maria* and *Congo*, and the *Gold-River*, so call'd because of the great plenty of Gold Dust it affords to the *Spaniards*. The River *Congo* may be entered at high water, and affords a good Harbour. The Gulph has several Islands in it, and affords good Riding in many places. The Country on this side as on the other is one continued Forest; and forms a Bay call'd the Bay of *Panama*, abounding with fine Islands, and affording good Riding for Ships. The Soil of the Inland Country is for the most part a black fruitful Mold.

The Weather is much the same as in other places of the Torrid Zone in this Latitude, but inclining to the wet extreme, for two thirds of the year, the Rains beginning in *April*.

The most remarkable of their Trees are the *Cotton Tree*, which bears a Cod as big as a Nutmeg full of short Wooll or Down, and affords Timber for Canoes and Periagoes; they abound with stately *Cedars* and *Macaw Trees*, which bear a Fruit as big as a small Pear, of a tart but not unpleasant Taste: *Bibby Tree* the Wood hard and black as Ink, and being tapp'd, affords a Liquor call'd *Bibby*, of a pleasant tart taste, which the *Indians* drink. They have abundance of *Plantains* set in Walks, which make very delightful Groves, and yield an excellent Fruit, and being green and sappy, are cut down with one stroak of an Ax. They have also plenty of *Bonanoes* another sort of Plantain, which eats best raw as the Plantain does boil'd. They have great Store of that excellent Fruit call'd

Pine

Pine apples, which tastes like a Mixture of all delicious Fruit, and ripens at all times of the year. They have also *Prick-bear*, which is a very good Fruit; and *Sugar-Canes*, of which they make no other use but to suck out the Juice. The *Maho* Tree, of which they make Ropes, Cables for Ships, and Nets for fishing. The *Calabash* whose Shells serve for Cups and other occasions, is curiously painted; the sweet sort of 'em is eatable, and the bitter sort Medicinal. They have also *Gourds* of the like nature. There's a Plant they call *Silk Grass* which resembles our Flagg; this they beat into strings like fine Flax, much stronger than our Flax or Hemp; of these they make Ropes, Cordage of all sorts, Nets for small Fish; and the *Spaniards* and others use it for Shoemakers Thread, Stockens, and a sort of Lace. They have a Tree call'd *Lightwood*, as large as an Elm, but so light, that a Man may carry a great quantity of it on his back. It is in substance like Cork, and made use of by the *Indians* for rafters to go to Sea, or pass Rivers. They have a Tree call'd *Whitewood* of a finer Grain, and whiter than any European Wood, and fit for inlaying. They have *Tamarind*, *Locust Tree*, *Bastard Cinnamon*, *Bamboes*, and *Maingrove* Trees in plenty. They have Shrubs that bear store of Pepper of two sorts, call'd bell Pepper, and bird Pepper.

Mr. *Waser*, to whom we owe this Description, takes notice of a *Redwood*, whereof there grew great quantities on the Northern Coast; the *Indians* make use of it for dying, and mix a kind of Earth they have with it. It makes a bright glossy lively Red, which no washing can fetch out again. This we suppose to be the *Nicaragua* Wood. Their Roots are Potatoes, Kams, and Cassava; of the last of which they make Bread. They have likewise Tobacco, but don't understand the planting and manuring of it; it is not so strong as that of *Virginia*.

Their Beasts are the Peccary, and *Waree* a kind of wild Hogs, which are very good Meat. They have considerable store of Deer and Rabbits, and great droves of Monkeys, which are extraordinary fat and good to eat. They have an insect call'd a *Soldier*, somewhat resembling a Crab, which feeds upon what falls from the Tree, is a delicious Meat, and yields an Oil that is an excellent Salve. They have no European Cattle,

Their Birds are the *Chicaly-Chicaly*, which makes a noise somewhat like a Cuckoo, is a large Bird, has Feathers of divers Colours very beautiful and lively, whereof the Natives

S sometimes make Aprons. This Bird keeps mostly on the Trees, feeds on fruit, and is pretty good Meat. The *Quom* feeds in the same manner, his Wings are dun, his Tail dark, short, and upright. He is much preferable to the other for Meat. There's a *Russet-colour'd Bird*, resembling a Partridge, runs most on the ground, and is excellent Meat. The *Coroson* is a large Fowl as big as a Turkey, and of a black colour. The *Cock* has a fine Crown of yellow Feathers on his Head, and Gills like a Turkey. They live on Trees, and eat Fruit. They sing very delightfully, and are so well imitated by the *Indians*, that they discover their haunts by it. They are very good Meat, but their Bones make the Dogs run mad, and are therefore hid from them by the *Indians*. They have abundance of *Parrots*, for size and shape much like those of *Jamaica*, they are very good Meat. Their *Parakites* are most of them green, and go in large flights by themselves. They have *Maccaw* Birds which are as big again as Parrots, and resemble them in shape. They have a Bill like a Hawk, and a bushy Tail with two or three long stragling Feathers, either red or blue; but those of the Body are of a lovely blue, green and red. The *Indians* tame those Birds, and teach them to speak; and then letting them go into the Woods amongst the wild ones, they will return of their own accord to the Houses. They exactly imitate the Voices and singing of the *Indians*, and call the *Chicaly* in its own Note. It is one of the pleasantest Birds in the World, and its flesh sweet and well tasted. They have also *Woodpeckers* which are pied like our Magpies and have long Claws that they climb up Trees with; they are not pleasant to eat. They have plenty of Dunghil-fowl resembling those of *Europe*, and their Flesh and Eggs as well tasted as ours. About the *Sambaloes* they have great store of Sea-fowl, and particularly Pelicans which are large Birds, having Legs and Feet like a Goose, and a Neck like a Swan, the Feathers are grey. It has a Bag under its Throat, which when fill'd is as large as a man's two fists; and when dry, will hold a pound of Tobacco; they feed upon Fish, and the young ones are good Meat. They have also *Cormorants* resembling Ducks for size and shape, are of a black Colour, have a white spot on the Breast, and pitch sometimes on Trees and Shrubs by the water side. They are too rank to be eaten. They have abundance of Sea-gulls and Pyes, which are pretty good meat, but eat fishy, which is cur'd by burying 'em eight or ten hours in the Sand with their Feathers on. They have flying Insects too, among o-

thers

ers Bees, which form their Hives on Trees; and it's observ'd, That they never sting any body: The Natives mix the Honey with Water, and so drink it, but know not the Use of the Wax. They have shining Flies, which in the Night time resemble Glow-worms.

Their Fish are the *Tarpon*, which eats like Salmon; some of 'em weigh 50 or 60 pound: They afford good Oyl. They have *Sharks*, and another fish that resembles a *Shark*, but much better Meat. The *Cavally* is much of the size of Maccarel, and very good Meat. They have a Fish call'd *Old Wives*, which is also very good to eat. Their *Paracoods* are as large as a well-grown Pike, and very good Meat; but in some particular places poisonous, which are distinguished by the Liver. Their *Gar-fish* is good Meat, they have a long Bone on their Snout, with which they will sometimes pierce the side of a Canoe. They have also *Sculpins* a prickly Fish, which when strip'd, is very good Meat. They have likewise *String-rays*, *Parrot-fish*, *Snooks*, *Conger Eels*, *Monchs*, *Perrinwinkles*, *Limpits*, *Sea Crabs*, and *Craw-fish*, and other sorts whose names we know not, that eat very well.

The Inhabitants are most numerous on the North of the *Thmus*; the Men usually 5 or 6 foot high, straight, clean limb'd, big-bon'd, handsomely shap'd, nimble, active, and strong well. The Women are short and thick, and not so lively as the Men; the young Women plump, well-shap'd, and have a brisk Eye: Both Sexes have a round Visage, short little Noses, large and grey Eyes, high Forehead, white even Teeth, thin Lips, pretty large Mouths, well proportion'd Cheeks and Chins, and in general handsome; but the Men exceed the Women. Both Sexes have straight long black Hair, which they generally wear down to the middle of their Back. All other Hair but that of their Eye-brows, and Eye-lids they pull up by the Roots, cut off the hair of their Heads, and paint themselves black by way of triumph, when they kill a *Spaniard*. Their natural complexion is a copper Colour, and their Eye-brows black as jet. There are some among them of both Sexes, which bear the proportion of two or three to a hundred, who are milk white, and have all their Bodies cover'd over with a milk white Down; their Hair is of the same Colour, and very fine, about 6 or 8 Inches long, and inclining to curl. They are less in Stature than the other *Indians*, and their Eye-lids point downwards in form of a Crescent; they don't see well in the Sun, their Eyes being weak and running with

Water

Water if the Sun shine upon them, therefore they are call'd Moon-ey'd. They are weak and sluggish in the day time, but in Moon-shiny nights all life and activity, and run as fast thro the Woods by night, as the other *Indians* do by day. They are not so much respected as the other *Indians*, but look'd upon as monstrous. The Natives gonaked both Men and Women, only the Men have a thing like an Extinguisher of silver or gold Plate tied round their middle to cover their Yard, and the Women tie a piece of Cloth before them, which comes as low as their Knee; but they use none of these Precautions till they come to the years of Puberty; the Men that have not those Extinguishers, make use of a piece of a Plantain-leaf of a Conick Figure. They are in general a modest and cleanly People, and have a value for Cloths if they had them. The better sort have long Cotton Garments shap'd like Carmens Frocks, which they use on solemn occasions, as attending the King or Chief, &c. For an Ornament to the Face, besides their general painting and daubing, the Men wear a piece of Plate hanging over their Mouths, and the Chief of them have it of Gold. It is of an Oval Form, and gently pinching the Bridle of the Nose with its points, hangs dangling from thence as low as the under Lip; and instead of this the Women wear a Ring thro the Bridle of the Nose: They lay them aside at their Feasts. They likewise wear Chains of Teeth, Shells, Beads, or the like; the heavier they be, they reckon them the more ornamental. Their Houses lie mostly scattering, and always by a River-side, but in some places they are so many as to form a Town or Village. Their Walls are made up of Sticks, and daub'd over with Earth: The fire is in the middle of the House, and the Smoke goes out at a Hole in the Roof: They are not divided into Stories or Rooms, but into Hovels; every one has a Hammock for a Bed in one of those Hovels. They have no Doors, Shelves, or Seats, other than Logs of Wood. Every Neighbourhood has a Warhouse of 130 foot long, the Sides and Ends full of Holes, whence they shoot their Arrows on the approach of the *Spaniards*. In their Plantations they set so much Plantain, Maiz, &c. as serves their occasions. They likewise make Drink of Maiz, which they ferment by Grains of the same chewed in their Mouths: They have also another sort of Drink, which they make of Plantains. Most of the Drudgery is perform'd by the Women with great cheerfulness, being very well condition'd, and dutiful to their Husbands, who are otherwise very indolgent

gent to them, and their Children. The Women wash Mother and Child in a River within an hour after Delivery. The Boys are bred to the Bow, Hunting and Fishing, at which they are mighty dextrous; and the Girls help the Women in dressing their Victuals, Weaving, making Cotton Cloth, Cordage, Nets, &c. And the Men make Baskets very neat, dying the Materials first with lively Colours. They allow Poligamy, but punish Adultery with Death of both Parties. They punish Theft also with Death; and Fornication with thrusting a Briar up the Man's Yard, whereof they commonly die. The Facts must be prov'd by Oath, which is a swearing by their Tooth. When they marry, the Father or nearest Kinsman keeps the Bride privately in his own Appartments the first 7 Nights, and then she is deliver'd to her Husband: All the Neighbours for some Miles round are invited to a great Feast, and bring Provisions with them: The Fathers of the young Couple bring them each in their hands, and the Bridegroom's Father makes a speech; then he dances about in antick Gestures till all on a Sudden, when he kneels down, and gives his Son to the Bride, her Father also having danc'd himself into a Sweat, and presenting her to the Bridegroom in the same manner; then they take each other by the hand, and so the Ceremony concludes. After this all the Men take up their Axes, and on shouting to a Tract of Wood-land, to prepare a Plantation for the new Couple. That being done, they have their Feast, and afterwards drink hard, all their Arms being first laid out of the way, to prevent danger in case of quarrelling. They divert themselves sometimes by dancing, and piping with a small hollow Bamboe, but without distinction of Notes: The Men and Women never dance nor feast together, but apart. The Women accompany them likewise in their Hunting Expeditions, which sometimes last 20 days: They cover their Hammocks betwixt two Trees, cover them with Plantain Leaves, and have Fires all night by their Hammocks: Such of their Prey as they take a Hunting, and design to keep for future use, they barbecue in the Woods; and what they make use of for present Sustenance, they mix with Roots, Plantain, Bonanoes, and Pepper, and stev it together till it be brought to a Pulp; which they take up with the two foremost Fingers of their right Hand bent hookwise, and put into their Mouths. They travel by direction of the Sun, or the bending of the Trees, according as the Wind is. None of the *English* Authors take notice of their

their Worship or Religion, but give an account that the pawaw, or consult the Devil to know Futurities: And would seem they are as ignorant in matters of Physick and Chirurgery, since when they would let a Patient bleed they set him upon the Bank of a River, and with a little Bow, and small Arrow, gag'd that it may enter no further than our Lancets, they shoot as fast as they can at all parts of the Patient's Body; and if they chance to hit on a Vein that the Blood spurts out a little, they testify their joy by antick Dances.

We come next to give an account of the Settlement of our men there; how they were receiv'd by the Natives; what *Indian* Princes there are in their Neighbourhood; in what state they found the Affairs of the Country; and of the Situation of our Colony.

On the 27th of *October* 1698. our Ships came to an Anchor in a fair sandy Bay, 3 Leagues W. of the Gulph of *Darien*; upon which two Canoes, with several *Indians*, came on board, were very free with our Men, told them they had been long expected, and were very welcome: Our Men gave them some old Hats, Looking-glasses and Knives with which they were extremely well pleas'd, and went off. When our Ships stood further into the Bay, they saw about 20 *Indians* drawn up on the Shoar, being arm'd with Bows and Lances; upon which a Boat being sent alhoar, and making a signal of Peace, they unstrung their Bows, talk'd familiarly, and told our Men that two Great Captains would in a little time come on board our Ships. Accordingly on *November* 2d in the morning Capt. *Andreas*, one of their Princes, accompanied by 12 Men, came on board, and ask'd their business; he was answered, that we came to live among them, and trade with them, and afford them *Europe* in Commodities cheaper than any other People. He ask'd if we were Friends or Enemies to the *Spaniards*, and was answered that we were at peace with all men, and would make war upon no man, except they injur'd us. He took us for *Buccaneers*, and told us he knew Capt. *Swan* and Capt. *Davis* in the South-Sea, and commended them as men of valour. We heard that part of his Discourse with very much coldness, and told him we came on no such design as those men did, but had Authority for what we undertook. We treated him civilly, gave him a Hat lac'd with Gold, and some Toys: And so he parted, promising in a little time to come again; which he accordingly did, and brought

ight *Don Pedro*, another of their Princes or Captains, him. Capt. *Andreas* was freer with us than at first, only own'd that he took us for Buccaneers, and complain'd that some *English-men* of that sort had after great instances of Friendship, carried off some of their People; therefore *Don Pedro* would not come aboard us till he had her Assurance of us.

Capt. *Andreas* is a person of a small stature; he affects *Spanish* Gravity, as having been often among them at Mines of *Santa Maria, Panama*, &c. And formerly had Commission under them as a Captain, upon which he vaunted himself above others: The *French* hate him mortally, because of something he did against some of their Nation formerly. When he came on board us, he had a sort of a Hat of red loose Stuff, an old Hat, a pair of Drawers, but Stockings nor Shoes; and the rest that came with him were all naked, excepting their *Penis*, which was covered with Extinguishers, as formerly mention'd.

Upon further communing, Capt. *Andreas* was very well pleas'd with us, offer'd us what part of the Country we would chuse, and accepted a Commission from us; and at the same time we gave him a Basket-hilted Sword, and a pair of Pistols: Upon which he promised to defend us to the last drop of his Blood.

Some of the Princes on this side the *Isthmus* had been in commerce with the *Spaniards* for several years, and suffered a great deal of them to reside amongst them, to give notice to *Panama* of what Ships came upon these Coasts; but upon some time of disgust, about two months before we arriv'd, Capt. *Abrosio*, who is the most noted Prince amongst 'em, had engag'd them to enter into a common Alliance against *Spain*, and cut off ten *Spaniards*, who liv'd upon *Golden Island*.

The Place where we are settled is 4 Miles East of *Golden Island*, within a great Bay. We have an excellent Harbor, surrounded with high Mountains, capable of holding a thousand Sail land-lock'd, and safe from all Winds and Tempests. The Mouth of the Harbor is about random Cannon-shot off, form'd by a *Peninsula* on the one side, and a point of land on the other. In the middle of the Entrance there is a Rock three foot above water, upon which the Sea breaks most terribly when the Wind blows hard; and within the straits there is a small Rock that lies a little under water.

On both sides these Rocks there's a very good wide Channel for Ships to come in; That on the South-side is three Cables long,

long, and seven Fathoms deep; and that on the North the Cables long. From the two outermost points the Harbor runs away East a Mile and an half; and near the middle, on the right hand, a point of Land shoots out into the Bay: that by raising Forts on the said Point, on the Rock in the middle of the Entrance, and the two outermost Points, will be the strongest Harbor, both by Art and Nature, that is in the known World. The Bay within is for the most part 6 Fathom Water, and till you come within a Cable's length of the Shoar, three Fathom and a half: So that a Key may be built, to which great Ships may lay their Sides, and unload. The *Peninsula* lies on the left hand, is a mile and an half in length, very steep, and high towards the Sea: So that it would be very difficult for any body to land, till you come to the *Isthmus*, where there's a small sandy Bay that little Ships may put into, but is easy to be secured by a Ditch and a Fort. There are several little Rivers of very good Water that fall into the Bay; and it abounds so with excellent fish that we can with ease take more than it's possible for us to destroy, having sometimes caught 140 at a draught: Amongst others there be Tortoises, which are excellent Meat and some of them above 600 weight.

The *Peninsula* was never inhabited, and is cover'd all over with Trees of various sorts, as stately Cedars, Brasil-wood, *Lignum vita*, Box-wood, Fustick-wood, Yellow Sanders, Manshinel, &c. And the like sorts, besides others whose names we know not, grow on the Continent; and we doubt not of finding out the *Nicaragua* Wood: We have found Cabbage Trees, the Fruit of which eats like Collyflowers. The Natives have no Plantation within two Miles of us.

We have a Watch-Tower upon an high Hill adjoining to our Plantation, about a mile South of the Bay; from whence we can see the Ships in the Bay, the Fort we have rais'd on the Mouth of the Bay, and as far as the Mouth of the River *Darien*: We can see above thirty Miles Southward, and have a fine Prospect of *Golden Island*, and the *Ile of Pines*. Westward towards *Portobello*, and Northward towards *Jamaica*. The Hill is about a Mile in height; so that we can see any Ships before they come within some Leagues of the Harbor. We compute our selves to be about 50 Leagues North of *Carthagena*, and as much South of *Portobello*. The *Indian* Kings or Captains on this Coast visit us frequently in their Canoes; and the Natives are very kind to us, and sell us Plantains, Fowls, &c. For Toys or old Shifts. A

French-man

Indian who hath married one of the Natives, informs that the Spaniards have Silver and Gold Mines on the *mus*, which we might make our selves Masters of with Men; so that if they commit Hostilities upon us, as hear they threaten to do, it's not unlikely we may vi- them. We found some *French* Refugees in the Country, o are willing to settle under us; and having been several rs in these Parts, and understanding the Language of Natives, are very useful to us. We have seen some Sand he Rivers, which looks as if it were mixt with Gold, and me places the Earth seems to be very much mixt with it: hat it's concluded there's more Gold-dust here, than in part of *Guinea*.

The *Indian* Princes or Captains on this Coast do somewhat mble our Heads of Clans in *Scotland*; and by their Con- se at times with the *Spaniards*, and other *European* Nati- , affect Christian Names. The first of these Princes we l name is Capt. *Diego*; he commands from the bottom the Gulph of *Uraba* on this side *Caret* Bay, and has 3000 n under him; he has been at War with the *Spaniards* fe- al years, occasion'd by an Insult his People had receiv'd n them, when they came to demand their share in the es which they had discover'd to the *Spaniards* in their ntry, on condition of being Partners with them: But en they came to demand it, the *Spaniards* treated them anously, beat and abus'd them; upon which they at- k'd the *Spaniards*, cut of 20 of their Men, and 3 Priests t belong'd to the Mines.

The next is Capt. *Poufigo*. He is an *Indian* Clergyman, Brother-in-law to Capt. *Andreas*. The Peninsula that possess, lies betwixt his Territory and that of Capt. *An- as*, who together with his Brother, commands from den Island to the River *Pinas*. Their Command is grea- than that of *Poufigo*, but not so great as that of *Diego*. ese Princes are very useful to us, because of their Neigh- rhood and Consanguinity to one another.

Capt. *Ambrosio* commands from the River *Pinas* to the abaloes: He is a man of about 60 years of age, but strong, vigorous, well limb'd, and of a stern Countenance: He mortal Enemy to the *Spaniards*, with whom he hath a long War; he is esteem'd the bravest of all the *In- a* Captains. His Son-in-law *Don Pedro* having been taken the *Spaniards*, and kept by them as a Slave at *Panama*, he never forget nor forgive it them: This young man is a great

great Friend to the *French*, who they are made to believe design to come and settle among them, *Ambrosio* and his Son-in-law prest us much to come and settle in their Dominions, and join with them to make war on the *Spaniards*. We gave them fair Words, and promis'd to come and visit their Coasts, which we accordingly did; and in our way thither, four Leagues Westward of our Settlement, we found an excellent Harbour, capable of 10000 Sail; but can't be defended without many Forts: Here the Privateers us'd to come and careen. Capt. *Ambrosio's* House lies about a League from the Water-side, on the Bank of a River, having 12 lesser Houses about it: When we drew near it, he advanced 50 Paces to meet us, being attended by 20 men in white loose Frocks with Fringes round the bottom, and arm'd with Lances: He saluted us kindly, and gave us a Calabash of Liquor almost like Lambs-wool, made of *India* Corn and Potatoes. His House is 90 foot long, 35 broad and 30 in height, curiously thatch'd with Palmetto Royal and over that Cotton-leaves. The Floor is of firm Earth like Terras, very smooth and clean. The sides are composed of large Canes, as thick as a Man's Leg. In this House live *Ambrosio* and his Son-in-law *Don Pedro*, with both their Families, consisting of about 40 Persons: We saw *Ambrosio's* Grandmother there, who is 120 years old, and yet was very active in getting things ready for our Entertainment. She has 6 Generations descended from her now in the House with her. The People live here to 150 and 160 years of age but those that converse much with Europeans, and drink strong drink don't live so long.

From the *Samballoes* to the River of *Conception*, the Country is commanded by one *Corbet*, who is altogether in the *French* Interest, he having contracted a Friendship with their Privateers 7 years ago, and done them many good Offices. They promised to reward him if he would go to *Petit Guavus*, and in his way thither he was taken by an *English* Privateer and carried to *Jamaica*, whence the Governor of *Petit Guavus* got him releas'd. He was with *Ponti* at the taking of *Cartagena*, and has a Commission from the *French* to be General of all the *French* and *Italian* Forces on that Coast, and to take, sink, and destroy *Spaniards* or any other Enemies. Yet the *French* themselves, and the sensible part of the *Indians*, don't put any confidence in him; and *Ambrosio* who is the bravest of all those *Indian* Captains, keeps him in awe and within bounds.

Next to *Corbet*, there's another of their Captains call'd *Nicola*, who is said to be a wise, brave and good-natur'd Prince, inasmuch that the *Indians* had a mind to have set him up instead of *Ambrosio*, who is of a rugged military temper. But *Ambrosio's* Authority and Power is so great, that they did not find it practicable. *Nicola* is a mortal Enemy to the *Spaniards*, and can never entertain a good thought of them, since the Governour of *Porto Bello* robb'd him of a precious Fufee that had been presented him by some of the Buccaneers; and being out of order, he sent it thither to be mended; upon which the Governour taking a liking to it, kept it to himself, and sent *Nicola* another sorry piece instead of it.

Since we came hither, there have been an *English*, a *Dutch*, and a *French* Ship in our Bay. The *English* Ship was Capt. *Rupert* in the *Rupert* Prize; he had been in the Gulf of *Uraba*, at he himself and his Men own'd, that they had not then been ashore there. He hath some way or other disobligh'd the Captains *Ambrosio* and *Diego*. Tho' we treated him with all possible Civility, yet we are since inform'd that he hath been a days Journey into the Gulf, and endeavour'd to incense the *Indians* against us, telling them that we were Privateers, and that the King of *England* would not protect us. He left some Men in the Bay, who had since kill'd the *Spaniards*, and came to us for Arms and Ammunition, at we told them we could not grant them any, and that they had done what they could not justify. We gave them however what was necessary for fitting up a Boat; and as Reward they intic'd away the Carpenter and Mate of one of our Ships call'd the *Unicorn*.

The *Dutch* Ship that came hither was afraid of the Spanish *Carlavento* Fleet, and put in here for protection, that Fleet having made prize of another *Dutch* Ship of 32 Guns, and of two *English* Sloops for trading on those Coasts.

The *French* Ship that put in here, was that which was order'd to carry back the Church-plate, &c. to *Carthagena*, did afterwards bulge on a Rock, and was cast away in our Harbour. We sav'd all their lives, and Capt. *Pincarton* our Commodore endanger'd his own life to save that of the *French* Captain. He inform'd us that the *French* had four Men of War of 50 Guns each, who thinking we had a Design on the River *Mississipi*, were gone to the gulph of *Mexico* in quest of us. The *French* have been very industrious in cultivating their interest, both with the Natives and *Spaniards* in this part of

America, and doubt not of having a good share in those Countries after the King of *Spain's* Death. They have got a great Interest with Capt *Ambresio* by means of his Son-in-law *Don Pedro*, whom they caress extreamly, and design'd to have carried him to *Petit Guavus*, and from thence into *France* to acquaint the *French* King with the favourable Sentiment the *Indians* have entertain'd of the *French*, and of their design to surrender themselves to his Majesty.

This has been projected by the *French*, a long time, but the King of *Spain's* Indisposition, & their Pretensions to that Crown made them refer it; and there's no doubt but our Settlers will quicken those Resolutions. *C. Andreas*, *C. Pedro* his Brother, *C. Digo*, and Capt. *Poufigo* our Neighbours, have no manner of correspondence with the *French*. The latter hath acquainted us that there are several Gold Mines within two Miles of our Settlement which he hath promis'd to shew us; and he hath actually let us see several Samples of fine Gold.

This being the Substance of several Journals that were sent from our Colony in *Darien* upon their first Settlement there we hope it's sufficient of it self to satisfy our Neighbours in *England* of the Justice of our Cause, of the equity of our Proceedings, of the true Reason why the *French* are so much our Enemies in this matter, of the greatness of the Providence that has put us in possession of that Post, and that it is *England's* Interest to join with, and protect us, by which the Designs of the *French* against *Europe* in general, and *Great Britain* in particular, may be defeated, and the *English* *West India* Trade secur'd. But since by the Proclamations before mentioned, which treat us as Rebels and Pirates in *America*, for what we have done according to Act of Parliament in *Scotland*, our Ships may be in danger of being attack'd by other Nations as Pirates, and our Colony discountenanc'd and oppos'd on that account by the Natives; there's no reason that our Neighbours should think strange if we complain of that unkind usage, and endeavour to lay before them what may probably be the Consequences of such Proceedings, without being construed either to threaten or to wish that any such things should happen: It being evident that by offering to admit the *English* as Joint sharers in our Trade, we entertain no Sentiments but what are friendly towards that Nation, being satisfied that all those who wish well to the Protestant Religion and true Liberty, are Enemies to any thing that may occasion a breach of the Union and good understanding betwixt us. Yet it must be own'd that we have but too

it reason to complain of the Hardships we suffer by the Union of the Crowns, which it is in the power of England to remedy, by complying with the gracious Proposals of uniting the Nations, repeated in Parliament by his Majesty, who is a true Father of his Country, has expos'd himself to the greatest of dangers to procure the Welfare and Peace of his Subjects, by which he has made an absolute Conquest of the Hearts of all good men, who are unanimous to join in the Prayer for him, that the Israelites of old put up for their King, viz. *That he may live for ever.*

Enquiry into the Causes of the Miscarriage of the Scots Colony at DARIEN, or an Answer to a Libel Entitled *A Defence of the Scots Abdicating DARIEN*, Submitted to the Consideration of the Good People of England.

Paries cum proximus ardet Res tua tunc agitur ---
The Introduction.

THE just Horrour that all honest men conceiv'd at the harsh and unneighbourly Treatment of the Scots Colony at Darien by the Gentlemen who have been most active against it, under the necessity of blackening the Reputation of those concern'd in that Management. This they thought necessary, in order to prevent any Enquiry, that perhaps might be made: Why a Neighbouring Nation, united to the Kingdom of England by Situation, Government, Interest, Religion, Affection, and constant Inter-marriages, should be provok'd and trampled upon in such a manner contrary to their Laws and Original Constitution, and which may pave the way in time for Treating our Neighbours in the same manner. To prevent any such Enquiry, those Gentlemen that have been us'd to signalize themselves as much by their hatred to the English Nation, as the latter have signalized their Valour and Affection, for our common Liberty and Religion, have been at pains and expence to save the Libeller H--s from the Gallows, by giving a stop to his Trial, and filling his Pockets with Money, in condition that he would bespatter the Reputation of the Scots Colony and their Masters: The Crime is indeed unnatural for a man to turn Renegado and a Traitor to his Country; none but a Monster like H-- the Surgeon could have entertain'd such a thought: He sold his God in the Last Reign, by turning Papist, and therefore 'tis no great Wonder he should sell his Country in this, and solemnly renounce his going Northward for ever, provided he might be secur'd against going Westward for once.

This being the Case of the Doughty Evidence, that the Faction have produc'd against the Scots Colony; we leave it to the World to judg what credit ought to be given to his Testimony, since it appears that he hath giv'n it in to save his Life, to gain Money, and to give vent to his Malice. The latter he owns in the beginning of his Book, and repeats it again p. 161. where he says he took this way to right himself, because of the Scots here in Town being on his Top, and of some other harsh usage which he receiv'd at the hands of the Scots Company.

The very manner of giving in his Evidence lays him open to the Last of the English Law; and it is to be presum'd that his train of Blasphemies, and constant ridiculing the Text, would have been taken notice of e're now by a certain Court at the West end of Paul's but that he is protected by some Gentlemen belonging to a Court at the West end of the Town.

His invenom'd malice is demonstrable, by the sport he makes to himself throughout his Libel at the Calamities & Misery of his Fellow-Creatures and Countrymen; so that never did any man more exactly fill up the Character of a Renegado than himself: for a those Miscreants stab an Image of our Saviour to the Heart, and a proof of having absolutely denied him; H--s hath in the same manner done all he could to stab the Reputation of his native Country, as a certain evidence of his being turn'd a Monster in Nature; for which even they that employ him must needs abhor him, except they love to see the Image of their own Crimes in his Lovely Features.

We have not enter'd upon the detail of his malicious Lies with which he hath stuff'd his Book, but have only pointed at the chief of them which are so very notorious, as may well put his Suborners to the Blush, that they should not have either taught him his Lesson better, or have seen he had conn'd it more exactly; for they are such gross Contradictions either to common Sense or to what he himself has advanc'd in his Libel, that none but one who had swallow'd Transubstantiation could be guilty of the like.

It's needless to enlarge upon his Character, since it's impossible to conceive a worse Idea of him than all Men of Sense will immediately form to themselves, when they know he is a Traitor to his Country.

He was formerly a Surgeon in the Fleet, and made some Interest amongst the Officers, by Female Mediation, which was allow'd him by his last Religion (for his Book shews that now he has none.) Hence it is, that he expresses himself so readily in the Dialect of his Office, and talks of Bullying Kings in his Dedication, to shew us that he was acquainted with B--dy-house Rhetorick, and they that know his Friends in Little---B---n, say he has convey'd

ey'd his Libel to the World through a very proper Channel'. Whilst he was a Surgeon in the Fleet; his ill Nature having condemn'd him to perpetual Broyls, he had the Impudence to draw upon his Captain ashore, who wounded him so as 'twas thought might have put a period to his Infamous Life, upon which his Captain was Confin'd, but the Wound not being Mortal, the Gentleman was set at Liberty, and returning on Board; a Council of War was held, by which H---s was like to have had an Exit more answerable to his desert, at the Yard-Arm; but that one of our Country-men who Commanded in the Place, sav'd him out of Pity, and whilst he was skulking at London to avoid this Prosecution; others of them out of Compassion hir'd him to go along with their Fleet, for which he hath made his Country such a grateful Reward, as hath verify'd the Proverb, That save a ---gue from the Gallows he shall be the first that will cut our Throat. We leave his Suborners to think on't.

His Captain being thus disappointed of having Justice executed, was forc'd to content himself with Pricking him Run, that he might not have any claim to his Wages; but since his return from Darien, and engaging in the Honourable service of Reviving and Belying his Country, his Suborners out of their innate Bounty and Gratitude, have got him deliver'd from all farther Prosecution, entitled him to his Wages, and given him the opportunity to value himself upon his Correspondence at the Court and of the Town, so that now he thinks himself sure of a Patent for Life, and that he shall never be oblig'd to go up Holborn-Hill except his important occasions call him now and then that way, to enable him to pay his present Debts, when some of his Brethren, pass that Road to pay their last.

It had been easie for us to have given such a History of his life as would have put his Suborners to the blush, but we reserve that to make use of as we shall see occasion; what's said is enough to let them know how much they are to trust to his Evidence, if they think fit to make farther use of him, either by libelling his Country, or accusing any of those great Families he pretends in his Dedication.

An Inquiry into the Causes of the Miscarriage of the Scots Colony at Darien.

THE main design of H---s and his Suborners, is to charge the Miscarriage of the Scots Colony upon their own Country, to clear some Gentlemen that perhaps may be found within the Verge of White-Hall, for having any hand in it, and to evince the necessity of those Proclamations published

lish'd against the *Scots* in the *West-Indies*, so as no Person of that Party in *England* may seem justly chargeable with the ruin of that Colony; a certain Evidence that the Crime is very black, and that they are put to a miserable shift, when the Gentlemen are at such expence of Contrivance and Pains to wipe off the Imputation, and so ready to fall in with any Tool that they think can assist them in so doing.

Enough has been said already to demonstrate that the evidence of such an infamous Person as *H---*s, and so circumstantiated, would not be admitted in any Court of Judicature in *Europe*, especially against such an honourable Society as the Company of *Scotland* for trading to *Africa* and the *Indies*, which consists of the very flower of the Nation, and perhaps has more Persons of illustrious Birth, Quality and Merit in it, than any trading Company that ever yet was erected in the World. The Directors particularly, whom *H---*s and his Masters have condemn'd to the Halter, p. 46. are most of them Persons of that Quality, Estate, Worth, and untainted Honour, as the Accusation of no one particular Person, tho' never so good Repute, could in justice or decency be admitted against them, and much less the malicious Calumnies of a Renegado.

But to set this matter in a clearer Light: Whereas we have only *H---*s's own word for what he asserts in vindication of his Friends and Suborners; we shall demonstrate against him and them too from undeniable matter of Fact, that some People in *England* are justly chargeable with the ruin of that Colony.

We shall begin with the opposition made to the *Scots* Act by the Parliament of *England* (to whom the matter was misrepresented) the Answer they obtain'd from the King, and the Prosecution they commenc'd and threatn'd against *English* Natives and *Scots-men* residing in *England*, that should subscribe to the *Scots* Company.

In the next place we alledg the *English* Resident's Memorial at *Hamburgh*, against that Government suffering any of their Subjects to subscribe to the *Scots* Company.

It is likewise well enough known that the Influence and Example of the *English* Court hinder'd the Subscriptions of our Neighbours in *Holland*.

Nor can it be denied but this continu'd Thread of Opposition from the Court of *England*, must needs hinder the Subscriptions of a great many in *Scotland*, who could not but foresee that a Storm was threatn'd by so many Clouds.

To this we may add, that the Kingdom of *Scotland* have not yet forgot the discourting of the Marquiss of *Tmeddale* (who was known to be an able Statesman, and a true Patriot to his Country) because of his touching that Act, when he had the Honour to represent his Majesty on the Throne.

Nor was it the least of our Misfortunes, that we lost such an able and faithful Minister of State as Secretary *Johnstone*, and that too upon the account of his Affection to his Country in this matter. We are very well satisfied that his Majesty, who advanc'd him to that Post for his Merit, and was so well satisfied with his ability and care, would scarcely have parted with a Minister of that Gentleman's Faithfulness and Penetration, but by the Intrigues of some People at Court.

Before we proceed any further with the Narrative of the Opposition made to us, we shall obviate one Objection which some Persons may possibly make, *viz.* That all we have said hitherto is nothing to the purpose, because it does not regard our Colony, but the Company. To which we reply : 1. That this is so far from being an Excuse to our Opposers, that it highly aggravates our Charge against them, as being a plain demonstration, that they were resolv'd to obstruct our Trade in every respect, and whatever it should be without any exception. 2. That the opposing of the Company was the direct Method to prevent our ever having a Colony ; and by the Laws of God and Man, those who endeavour to destroy the *Embrio*, are chargeable with a design of preventing the Birth. But we shall come closer to the point in a little time, and resume the thread of our Narrative after one or two Observations upon what we have said already, *viz.*

(1.) That the greatest of those Difficulties and Disappointments which *H--s* says in his Book, the Company met with as to their Subscriptions, Payments, &c. may justly be charg'd to the account of that opposition made us from the Court of *England*.

(2.) That there is so little reason to upbraid us, that our Efforts were not greater, that it is rather to be wonder'd at that the Company was not dash'd to pieces and crush'd in the bud ; and much more that ever they should have been able to weather out the Storm of so much Indignation, overcome all those Difficulties, find Money enough to build Ships, equip out a Fleet, and make a Settlement in *America*, when neither *England*, nor *Scots-men* residing there, *Hamburg* Ships nor *Holland*, shall dare to assist them without incurring his Majesty of *England's* displeasure.

But to come directly to the Narrative of the Opposition made to our Colony. It is well enough known that the Kingdom of *Scotland*, and many other Parts of *Europe*, have suffered much for three or four years past by bad Harvests, which rendered them incapable of providing Bread for their People at home, and much more of sending Supplies to their Infant Colony abroad: This was very manifest to some People about *White-hall*, and care was taken we should have none for our Money from *England*, tho that Nation could have spar'd it, and perhaps vve might have pleaded it as our merit, vvhhen in Parliament vve voted his Majesty a standing Army, upon his Royal Word that it vvas necessary, tho vve had more need to have sav'd the Mony to have bought Bread for thousands of our People that vv ere starving for vv ant, afforded us the melancholy prospect of dying by shoals in our Streets, and have left behind them a reigning Contagion, which hath swept avway multitudes more, and God knowvs where it may end.

Tho' our Country was reduced to this deplorable state, that a generous Enemy would have shew'd us compassion, yet the malice of our Court Adversaries did not rest here, nor with having follow'd us into *Holland* and *Germany*, but pursues us into *America*; and with Angry Proclamations forbids the Subjects there, on pain of his Majesty's Displeasure, to afford any manner of assistance to the *Scots* at *Darien*: So that we are starv'd at home and abroad by our Enemies at Court, who having by this means dispossest us of our Colony at *Darien*, and knowing that the good People of *England* had reason to cry shame upon them, and might perhaps take their own time to resent this inhumane Treatment of their Neighbours in *Scotland*; therefore they found it necessary to suppress a Book wrote in defence of the *Scots* Settlement, and to hire a *Scots* Renegado Surgeon to varnish over the matter, and to represent his Countrymen as Knaves and Fools, that so they might fall unpitied.

To return again to the Opposition made us in *America*: It is not enough that we are starv'd out of *Darien*, but when we come from thence, and so leave what the Proclamations suppose to be the *Dominions of their Allies*, yet we must not be supplied in the *English* Plantations, nor have Provisions in exchange for our effects, tho' our Men be dying for want, on pain of incurring the Displeasure of the Court; and therefore those who are willing to relieve us, must put their inventions on the rack to find out a way to do that with safety,

which common Humanity, and much more Christi-
ty, obliges them to do to a Turk or a Jew in the like cir-
cumstances.

Nay farther, tho' notwithstanding our distress at home,
make shift to send a Convoy to our Colony abroad, be-
cause our future hopes depended so much upon it, they shall
have leave to put into any *English* Port to refit, refresh,
stay for any of their Company that may be separated from
us by storm; and yet our Friends who were so instru-
mental in obtaining and publishing those Proclamations, must
be a Renegado to declare to the World in print, that
they were no way necessary to the Blood of his Country-men
that were starv'd to death at *Darien*.

It will appear plain that the Ruin of the Colony is charge-
able on the Proclamations, if we consider the Consternation
it must needs be among them when they saw themselves
condemned, as having invaded the Dominions of his Ma-
jesty's Allies, so that they had all the reason in the World
to think that they were not only precluded from all possibi-
lity of having any further supply or assistance from home,
but in danger of being attacked by his Fleet, as they that
wis'd the emitting of those Proclamations must needs
know his Majesty was oblig'd in Honour and Justice to order,
he was of opinion that the *Scots* had broken the Alliance
betwixt him and *Spain*. Let any reasonable man consider
that Anguish and Perplexity these Considerations, join'd to
their pinching Wants and other Circumstances, must occa-
sion in the minds of those poor men, and whether it might
not give a handle to those of them that were unwilling to
obey, to mutiny against the rest, and put all into disorder,
which might be fomented by other ill persons amongst
them; for we are not to suppose that with 11 or 1200 men,
there went no other ill man but *H—s*, since it's not im-
probable that they who oppos'd our Company so much from
the very beginning, might be prompted by the same Malice
to send Spies and Traitors amongst our Men on purpose to
frustrate their Design.

If it had not been that they were thus discouraged and
brought to their wits-end by those Proclamations, they would
certainly have had so much Conduct as to have sent away a
great part of their Men to *Jamaica*, or any of the *English*
plantations, where they might have subsisted till the arrival
of a Convoy from *Scotland*; and so with those Provisions
that were sufficient to carry them as far as *New-York*, and a
great

great deal further if they had not been retarded by Tempests, might have maintain'd a competent number of their Men to keep possession of the Colony till Supplies had arriv'd: But the Proclamations disabled them from taking this Method, and by consequence are chargeable with the ruin of the Colony.

In the next place, it is undeniable that those Proclamations must needs have encouraged the *Spaniards* and other Enemies in their Opposition against our Colony, and animated them to go on with their Preparations to drive us out. So that had they deserted upon no other account but the noise of the great Preparations making against them by the *Spaniards* at *Carthagena*, *Porto Bello*, &c. as Sir *William Beecher* seem'd to insinuate in his Letter; it makes the Proclamation directly chargeable with the ruin of the Colony, since they had good reason to remove from thence when their own Prince had forbid all Commerce with them, and when their Enemies were making formidable Preparations against them.

It is likewise plain that those Proclamations must necessarily prevent their having any Supplies from the *Dutch* at *Curaçaw*, if they had any to spare: For since the Influence of ours and the *Dutch* Court prevented our Company's having any Incouragement in *Holland*, it is reasonable to believe it would have the same influence in reference to our Colony, in the *Dutch* Plantations.

We have likewise all the reason in the World to conclude that the influence of those Proclamations might hinder the Natives from giving our Colony those Supplies that it was in their power to have done; for there's no doubt but they had information of 'em industriously sent them by some of our Adversaries, when Capt. *Long* was so malicious as to endeavour at our first arrival to possess them with an opinion that we were nothing but Pirats, and that the K. of *Great Britain* would disown us; and indeed by the event it would seem he had Instructions so to do. It is true that at first the Natives seeing our Men have a Competency of all sorts of Provisions, might not believe his Report; but they must needs have been confirm'd in the truth of it afterwards, when they saw them dying or want, and deceiv'd as to their Expectation of further Supplies; and upon that account might think they had sufficient ground to withdraw their Assistance from them, and not further provoke the *Spaniards* in favour of a People that they found were not able to do any thing

ing for themselves; and by consequence incapable to protect them, which was the thing they were to expect from their Alliance.

Having thus made it evident that the Opposition our Company met with from Court at first, and the Proclamations issued against our Colony at last, are justly to be reputed among the principal Causes of the Miscarriage of that Design, we come in the next place to consider his Majesty's Answer to the Address of the Commons of *England* on that Head, and the Proclamations issued out against us in his Name in the *West-Indies*.

We are sorry that ever there should have been any occasion for such an ungrateful piece of work; but think it a Duty incumbent upon us, and what we owe to the Constitution of our Country, which we have reason to believe is industriously conceal'd from his Majesty, to write freely on this Head, that the World may see what just cause we have to complain.

His Majesty's Answer, *That he had been ill served in Scotland, &c.* is such, as our Ancestors (if we may believe our Historians) would have thought inconsistent with the Trust reposed in a King of *Scots*, a manifest Reflection upon the Justice and Fidelity of the Nation, and a discovery of their *Africana Imperii* to those that were quarrelling with them. We are not to suppose that his Majesty would give an Answer to an Address of this Importance without Counsel: If he consulted with our *Dutch* or *English* Opposers, it was the same as if he had consulted our professed Enemies; if he consulted with *Scots*-men, and was advis'd to this Answer by any of them, they were Traitors to their Country, and have betray'd its Sovereignty: For they ought to have advis'd him to answer, that as King of *Scots* he was not to give an account to the *English* for any thing transacted in that Kingdom; but if they found themselves any ways aggriev'd, or thought their Trade endanger'd by the *Scots* Act, he should be willing to have the matter debated and adjusted by Commissioners of both Nations, as became the Common Father of both. This could not justly have been look'd upon by the *English* as a refractory or stubborn Answer, but must have been imputed to his braveness of Temper, and fidelity to his Trust. But at once to give up the Sovereignty of *Scotland*, without demurring upon it, argues that his Majesty was advis'd to this Answer, by Enemies to the *Scottish* Nation.

Our Parliaments have originally a greater Power than that of *England*; for what the States of *Scotland* offer'd the touch of the Scepter, their Kings had no power to refuse; or if they did, the Resolves of the States had the force of a Law notwithstanding. Thus our Reformation was established in 1560. by an Act of the States; and tho' our Queen *Mary* then in *France*, and her Husband the Dauphin afterwards *Francis II* refus'd to give their Consent, it remain'd a firm Law; which *Q. Mary*, when she return'd to *Scotland*, was so far from offering to dispense with, tho' she was a great Asserter of her Prerogative, that she was oblig'd to intreat of the States so far to dispense with it themselves, as to suffer her to have Mass in her own Family. We might go farther back to the Reign of *Robert II.* who was check'd by the States for making a Truce with the *English* without their Consent, it not being then in the power of our Kings either to make Peace or War without the States. But the Truth of that Maxim laid down by our Historian *That the supreme Power of the Government of Scotland is in the States*, is so obvious to every one that reads our History that it cannot be denied; and hence it is that our old Acts of Parliament are often call'd *the Acts of the States*, and say, *Three States enact*, &c. for by our Original Constitution the King is none of the States, but only *Dux belli*, and *Minister publicus*; which was well understood by our Viceroy the Earl of *Morton*, and the other Deputies from the States of *Scotland*, when they acquainted *Q. Elizabeth* in their Memorial *That the Scots created their Kings on that condition, that they might, when they saw cause, divest them of that Power which they receiv'd from the People*, which we have now reasserted in making our Crown forfeitable by the Claim of Right at the last Revolution: and perhaps that's none of the least Causes why our Ruin is now endeavour'd by the Abbettors of growing Prerogative.

It were easy for us to enlarge on this, and to shew from our Histories and Acts of Parliaments, that our Kings, according to our ancient Constitution (which those Rapes committed on our Liberties in some of the last Reigns can never overturn) were inferior to their Parliaments, who inthron'd and dethron'd them as they saw cause, made them accountable for their Administration, allow'd them no power of prosecuting them without their own consent, nor of hindering their meeting when the *ardua Regni negotia* requir'd it. They could

ed not make Peace or War without them, nor so much dispose of their Castles, but by their Consent. Their Coun- were chosen and sworn in Parliament, and punishable the States: Nor had they any Revenue, but what their liaments allow'd them. These and many more were the ive Liberties of the People of *Scotland*, as may be seen ur Histories, the Acts of all the *James's*, the Protestation he States of *Scotland* in 1638. and their Representation of ir Proceedings against the Mistakes in the King's Declara- in 1640. And therefore his Majesty had no reason to he was ill serv'd by the passing of an Act offer'd by the tes of *Scotland*.

The ignorance of those things have often occasion'd our ng misrepresented by the *English* Historians, and other Wri- s, as Rebels, and what not, when we really acted ac- cording to our own fundamental Laws. And not only they, e even our own Princes since the Union of the Crowns, ve either been kept ignorant of our Constitution, or so in- is'd against it by the Abettors of Tyranny, that they have of 'em, his present Majesty excepted, endeavour'd our verthrow, as well knowing it to be impossible to bring bitrary Government to perfection, whilst a People who d always breath'd in a free Air, and call'd their Princes to account when they invaded their Properties, were in y condition to defend themselves, or assist others against h Princes as design'd an absolute Sway. But the Pill being bitter to be swallowed by it self, there was a necessity taking Priestcraft into the Composition, and to gild it o- with the specious pretext of bringing the *Scots* to an Uni- mity in Religion. The Court knew that this would arm Zealots against us, and that it could never be affected thout the ruin of our Kingdom, vvhose Religion vvas so ervvoven vvith our Civil Constitution, that there was no erturning of the one, without subverting the other. This ll appear plain to those that know, that besides the Sancti- of acts of Parliament, the Church of *Scotland* is defended a full Representative of the Clergy and Laity of the King- m call'd a General Assembly (which preserves us from ng Priest-ridden, as our Parliaments do from being Prince- den) where the King by Law had no negative Voice, no ore than he formerly had in our Parliaments. This in ect is the Representative of the Nation as Christians, as e Parliaments are our Representatives as Men; and as the Laity, many of them are the same individual Persons that

that sit in Parliament. So that those Assemblies being a second Barrier about our Liberties, it was thought fit to run down the Constitution of our Church, as not suited with Monarchy. The Case being thus, we dare refer it to the thoughts of our neighbouring Nation, who have gallantly from time to time stood up for their own Liberties, whether it were not more generous for them to unite with us than to suffer us to be oppress'd and enslav'd.

There's nothing can be objected to this, but that all these glorious Privileges were swallow'd up by those Acts of Parliament that exalted the Prerogative to such a height in the Reign of K. *Charles II.* To which we answer, That the Privileges of a Nation cannot be giv'n away without their own consent; and we are morally certain, that the Constituents even of those pack'd Parliaments did never give any commission to those that represented them, to give away those Liberties. Slavery is repugnant to humane Nature; so that it cannot be supposed the Nation exalted the Prerogative on purpose to put themselves in a worse condition than before, or that when they find it applied to another use than that which they gave it for, they may not reduce it to its ancient Boundary. The necessity of Affairs did sometimes oblige the *Romans* to entrust their Dictators with an extraordinary and absolute Power; but when the occasions ceas'd, they recalled it, and kept to their antient and rational Maxim, that *Salus Populi is suprema Lex.* In the like manner the Enemies of our old Constitution may know, if they please, that we have retrieved the main point of making our Crown forfeitable by the Claim of Right; and therefore if they push us too far, it's a thousand to one but we may renew our Demands to the rest, or oblige them to cast them into the bargain.

But to return from this Digression. Tho' we had no such peculiar Privileges belonging to us; why might not we expect that his Majesty should be as kind to us as to our Brethren in *England*? He hath once and again declared to them in Parliament, *That he never had, nor never will have an Interest distinct from that of his People.* Then why should not the Interest of the People of *Scotland* be the same with the Interest of the King of *Scots*? And if the People of *Scotland* met in Parliament, agreed upon it as their Interest to have that Act pass for encouraging their Trade, how was it possible that the King of *Scots* could be ill serv'd by the passing that Act in *Scotland*.

Our Enemies, and *H--s*'s Suborners have put a sort of an answer to this in his mouth; *viz.* That the said Act was obtain'd *viis & modis*; but the Falshood and Malice of that Assertion will appear to the World by the previous Act of 1693. for encouraging of foreign Trade, by which it was statuted. "That Merchants more or fewer may contract and enter into such Societies and Companies for carrying on Trade, as to any Subject of Goods or Merchandise, to whatsomever Kingdoms, Countries, or parts of the World, not being in War with his Majesty, where Trade is in use to be or may be follow'd; and particularly, besides the Kingdoms and Countries of *Europe*, to the *East* and *West-Indies*, the *Straits*, and to trade in the *Mediterranean*, or upon the Coast of *Africa*, or elsewhere, as above. Which Societies and Companies being Contracted and entered into upon the terms, and in the usual manner as such Companies are set up---His Majesty with Consent foresaid did allow and approve, giving and granting to them and each of them, all Powers, Rights and Privileges, as to their Persons, Rules and Orders, that by the Laws are given to Companies allowed to be erected for Manufactories: And his Majesty for their greater Incouragement, did promise to give to those Companies, and each of them, his Letters Patent under the Great Seal, confirming to them the whole foresaid Powers and Privileges, with what other incouragement his Majesty should find needful. These are the very terms of the Act of 1693. And in pursuance of this Act our Nation being willing to form a Company for trading to *Africa* and the *Indies*, this Act which hath met with so much opposition in the World, was past *June* 26. 1695. which was two years after. Then what Effrontery can *H---s* and his Suborners suggest, that it was obtain'd *viis & modis*, by surprise or in a surreptitious manner? But something they must say to justify their unreasonable treatment of us, and to blind the Eyes of the World.

Thus we see then that the Parliament of *Scotland* went on liberately to advance their Trade, and to make this Act: which it's evident that they who advis'd his Majesty to that he was *ill serv'd in Scotland*, impos'd upon him, we laid a Foundation of division betwixt him and his Parliament, which are the two constituent parts of our Government; and if they be dash'd against one another, the whole frame of it must of necessity be dissolv'd. Hence also it is evident

vident that those Counsellors, if *Scots-men*, ought by our Constitution to be call'd to an account by the Parliament according to the 12th Act of Parl. 2 *James* 4. And if they be Englishmen or Dutchmen, we have a right to demand Justice against them, as having medled in our Affairs contrary to the Laws of Nations.

The Sovereignty of our Nation, and the Independency the K. of *Scots* upon the Crown of *England*, being tacitely giv'n up by this Answer ; and the Parliament of *England* being possess'd by our Enemies with a false Notion of our Design, they put a stop to our taking Subscriptions from our Residenters in *England* : tho our offering to take in the *English* as Sharers, was a plain Demonstration of the uprightness of our Intentions towards that Nation. This made it apparent, that we had no design in the least to supplant them in their Trade, but on the contrary to make them partakers in ours, in order to lay a foundation for a closer Union, and greater Amity betwixt the two Nations ; which if it had taken effect, our Trade had not been nipp'd in the bud, now it is by the frowns of the Court, but might by this time have been improv'd to the advancement of the glory and strength of the Island : Whereas by the opposition made to that noble Design, the Nations are more alienated from one another than before, lessen'd in their Strength and Trade, and *Scotland* for ever lost as to their Friendship, usefulness and joining with *England* on any occasion whatever, unless proper Measures be taken to make up the Breach, and retrieve our lost Honour and Advantage.

All that can be said to excuse so false a step in such a weak Nation as *England*, is, that they were impos'd upon by those that are Enemies to the true Liberties of both Nations, and by some of their Traders and ignorant Pretenders, to give advice in matters of Trade, who out of a sordid Principle of Self-interest, perfer'd their own private Gain to the general advantage of their Country. This would have quickly been seen, had his Majesty and the Parliament of *England* instead of that violent opposition which they made to the *Scots* Act, desir'd a conference betwixt a Committee of the Parliaments of both Nations ; then it would soon have appear'd what our true Design was, and that it was neither our Interest nor Intention immediately to follow an *East-India* Trade, the apprehensions of which did so much alarm the Kingdom of *England*. That it was not our Intention is evident from our rejecting the Proposals of our Countrymen.

r. *Douglas*, the *East-India* Merchant, with which *H-----* braids us, by which at the same time he discovers his own lly and dishonesty; his Folly in arguing against the Interest *England*, which he pretends to excuse; and his Dishonesty proposing our following a Trade, which his new Masters who have paid him so well for his false Evidence) look upon be destructive to theirs.

That it was not our Interest immediately to think of an *East-India* Trade, is evident from this, that it would have exported our Money with which it's known we do not abound, d ruin'd the Linen Manufacture of our Country, upon hich so many of our Poor depend. This we think the City of *London* may be sensible of in a good measure, by the multitudes their own Silk-Weavers, that are starv'd for want of Im- ployment; and also by the unsuccessfulness of their own nen Manufacture in *England*, by reason of the great quan- ty of Silks, Mullins, Calicoes, &c. brought from the *East-Indies*: from whence some wise Men have been and are ll of opinion, that an *East-India* Trade of that sort tends to e general Impoverishment of *Europe*, tho it may enrich rticular Persons. These Considerations, together with me Jealousies that Mr. *Douglas* might have been put upon aking us that Proposal, on purpose to divert us from our her Design of an *American* Trade, were the true Reasons our not hearkening to Mr. *Douglas's* Advice. This our eighbours might have known, had they proceeded with us such a Friendly manner as we had reason to expect, when e were so kind as to offer them a share in the Benefits of our t. And the Government at the same time might soon ve been satisfied, that the sinking of their Customs by our yn and twenty years Freedom from that Duty, was a meer ngbear Pretence. It is evident that we could not have spent uch *East-India* Goods in *Scotland*, and therefore must have ported them. If we had brought them to *England*, they ere liable to Customs there. If we had offer'd to run them ver the Border, they could as well have prevented that, as e stealing over their own Corn and Wool: and if we had ported them to any other places of *Europe*, the *English* by heir Drawbacks could have done it in effect as cheap as we. y all which it appears, that there was no solid Foundation or any of those pretended Reasons; why the Government n particular, or the *English* in general, should have oppos'd s: and we wish that upon due inquiry it may not be found o be the effect of Dutch Councils; for that People being
E jealous

jealous of their Trade, and Rivals to *England* on that account, cannot be suppos'd to have sat still and done nothing when they saw we had obtain'd such an Act, and were resolv'd to take in the *English* to partake in our Trade, which if suffer'd to go on, might endanger theirs, and enable the *English* to outrival them indeed, besides the present loss the foresaw of our Custom, the *Scots* having most of their *East India* Goods from *Holland*.

This we have the more reason to suspect, first because the *English* have formerly suffered in their Trade by the Intrigues and Intrigues of the *Dutch*, but never by the *Scots*; yet they have made no Application to his Majesty, for preventing the like in time to come. If it be said that he is but Stadtholder there, whereas he is K. of *Scots*: We can easily reply, that it appears: By what has been said already of our true Constitution, that the Kings of *Scotland* were as much accountable to the States of that Nation as the Dutch Stadtholder is to the States of *Holland*. The 2d Reason we have to suspect the Influence of Dutch Councils in this Affair, is this, that 'tis their Interest to keep us and the *English* from uniting, and if possible of forcing us by that means into an Alliance with themselves, to prevent their own ruin if *England* after this should come to fall out with them upon the account of Trade or otherwise, and likewise to have their Privilege of fishing in our Seas continued, which they know to be of such vast Advantage to them, that they are shrewdly suspected of having by Bribes, or other indirect Methods prevail'd with some great Men, to supplant us as to the Benefits we had just reason to expect from the Act of 1661. in encouraging our Fishery; the Privileges granted by which are very considerable, and to continue for ever: nay to put it out of all doubt that they are join'd in this matter against us *Holland* owns it as before mention'd.

Being upon this Subject, we cannot but take notice of the difference betwixt the *Spanish* Memorials about *Darien*, and of those late Memorials presented by them to our Court against their meddling with the Succession of that Monarchy, or the cantoning it out into several Parcels in case the King of *Spain* die without Issue. The former, tho insolent and huffing enough, were procur'd by our Court, therefore calmly digested; and the desire of them effectually answer'd to the ruin almost of the *Scottish* Nation: but the latter was no sooner presented, than the *Spanish* Ambassadors are disgrac'd in *England* and *Holland*, and forbid both Courts.

It may therefore deserve the Inquiry of our Neighbours, what this Regulation about the Succession of *Spain*, and the dismembring of their Monarchy is, that occasion such outrageous Memorials : for there must needs be something in it that touches the *Spaniards* more sensibly than the business of *Warren*, and which they did not complain of till they were put upon it; and in like manner touches our Court more sensibly to the quick than any Memorials about that Affair, so they had not been of their own procurement, were capable of doing. Perhaps upon a narrow Scrutiny into this Affair it will be found, that this keen and uninterrupted Opposition made to the *Scots* Settlement at *Darien*, does not proceed from any foresight of damage that it could do to the Trade of *England*, tho that be the specious Pretext, but in a Cause which touches some People more nearly, opposes their Project of dismembring the *Spanish* Monarchy, and of having that important Post to their own share; they know that they have a natural, as well as a political Interest in some great Courtiers, and make little doubt of obtaining the preheminance before either of those Nations that compose the Empire of *Great Britain*. It concerns our Neighbours so much the more to inquire into this, because it is visible from the Resentments of it by the *Spanish* Court, that this matter is more like to affect the advantageous Trade that *England* drives with *Spain*, then our Settlement in *America* is ever like to do; which tho it be made a Sacrifice to his Catholick Majesty, and perhaps on purpose to make him distrust the other Project with more ease, is like to be of as little advantage to *England*, as was the Sacrifice of the great *Sir Walter Raleigh* formerly, tho it may be infinitely more to their damage. If our Neighbours have a mind to be fully informed of this matter, they know who were employ'd in those negotiations, and how to speak with them.

We come next to consider the Opposition made to our Descriptions at *Hamburg* by *Sir Paul Ricaut* the English Resident there, in conjunction with his Majesty's Envoy to the Court of *Lunenburgh*, who deliver'd in a joint Memorial to the Senate of *Hamburg*, threatening them with the height of his Majesty's Displeasure, if they join'd with the *Scots* in any Treaty of Commerce whatsoever. This we shall not need to take any Reflections upon, the Petitions from the Company to his Majesty and his Privy Council in *Scotland* being sufficient for that end.

Their first to the King was dated *June* the 28th 1697. and as follows.

To the King's most Excellent Majesty,

*The Humble Address of the Council General of
the Company of Scotland, trading to Africa
and the Indies.*

May it please your Majesty;

“**W**HEREAS by the 32^d Act of the 4th Session, and
“ by the 8th Act of the 5th Session of Your Majesty’s
“ current Parliament, as well as by Your Majesty’s Patent
“ under the Great Seal of this Kingdom, this Company is
“ established with such ample Privileges, as were thought
“ most proper and encouraging both to Natives and Fo-
“ reigners to join in the carrying on, supporting, and ad-
“ vancement of our Trade: The most considerable of the
“ Nobility and Gentry, Merchants, and whole Body of the
“ Royal Burrows, have upon the Inducement and publick
“ Faith of Your Majesty, and Act of Parliament, and Let-
“ ters Patent, contributed as Adventurers in raising a far
“ more considerable joint Stock, than any was ever before
“ raised in this Kingdom for any publick Undertaking, or
“ Project of Trade whatsoever; which makes it now of so
“ much the more universal a Concern to the Nation.

“ And for the better enabling us to accomplish the ends of
“ Your Majesty’s said Act of Parliament, and Letters Pa-
“ tent, we have pursuant thereunto appointed certain Depu-
“ ties of our own number to transact and negotiate our neces-
“ sary Affairs beyond Sea, and at the same time to treat
“ with such Foreigners of any Nation in amity with your
“ Majesty, as might be inclinable to join with us for the pur-
“ pose aforesaid. In the prosecution of which Commission
“ to our said Deputies, vested with full Power and Authori-
“ ty according to Law, we are not a little surprized to find
“ to the great hindrance and obstruction of our Affairs, That
“ your Majesty’s Envoy to the Courts of *Lunenburgh*, and
“ Resident at *Hamburgh*, have under pretence of special
“ Warrant from Your Majesty, given in a joint subscribed
“ Memorial to the Senate of *Hamburgh*, expressly invading the
“ Privileges granted to our Company by Your Majesty’s said
“ Acts of Parliament, and Letters Patent, as by the here-
“ with transmitted Copy may appear.

“ By the which Memorial we sustain great and manifold
“ Prejudices, since both the Senate and Inhabitants of the said
“ City

City of *Hamburgh* are thereby, contrary to the Law of Nations, exprelly threatned with Your Majesty's Displeasure, if they or either of them should countenance or joyn with us in any Treaty of Trade or Commerce whatsoever, which deprives us of the assistance which we had reason to expect from several Inhabitants of that City.

"For redress whereof we do in all Duty and Humility apply to Your Majesty, not only for the Protection and Maintenance of our Privileges and freedom of Trade, but also for reparation of damage conform to Your Majesty's said Acts of Parliament, and Letters Patent. And we further beg leave humbly to represent to Your Majesty, that tho' by the said Acts of Parliament and Letters Patent, we conceive our selves legally and sufficiently authorized to treat even with any Sovereign Potentate or State in Amity with Your Majesty for the support and advancement of our Trade; yet we by our said Deputies have only treated with particular and private Merchants of the said City of *Hamburgh*, without ever making any the least Proposal to the Senate thereof: And this we humbly conceive to be the natural Right and Privilege of all Merchants whatsoever, even tho' we had wanted the Sanction of so solemn Laws; and without some speedy redress be had therein, not only this Company, but all the individual Merchants of this Kingdom, must from henceforward conclude, that all our Rights and Freedoms of Trade are and may be further by our Neighbours violently wrested out of our hands.

"We therefore, to prevent the further evil Consequences of the said Memorial to our Company in particular, do make our most humble and earnest Request to Your Majesty, That you would be graciously pleased to grant us such Declarations as in your Royal Wisdom you shall think fit, to render the Senate and Inhabitants of the said City of *Hamburgh*, and all others that are or may be concerned, secure from the Threatnings and other Suggestions contain'd in the said Memorial, as well as to render us secure under your Majesty's Protection, in the full Prosecution of our Trade, and free Injoyment of our lawfull Rights, Privileges, and Immunities contained in your Majesty's Acts of Parliament and Letters Patent above-mentioned.

Read at Edinburgh the 28th Day of June 1697. in Name, Pursuant to the Order of the said Council General, by

May it please your Majesty,

Your Majesty's most Faithful, most Dutiful, most Humble, and most Obedient Subject and Servant,

Sic subscribitur, Tester

The King's Answer to the above-written Address,

By the Right Honourable the Earl of Tullibard
&c. and Sir James Ogilvie, Principal Sec-
retaries of State.

My Lords and Gentlemen,

WE are impowered by the King to signify unto you, that as soon as his Majesty shall return to England, will take into Consideration what you have represented unto him; and that in the mean time His Majesty will give orders his Envoy at the Courts of Lunenburgh, and his Resident at Hamburgh, not to make use of his Majesty's Name or Authority for obstructing your Company in the prosecution of your Trade with the Inhabitants of that City.

Signed at Edinburgh the 2d Day of Aug
1697.

Sic subscribitur,

Tullibard
Ja. Ogilvie

The Company finding that the said Resident did notwithstanding this Answer continue his Opposition, and deny that he had any orders to the contrary, petitioned his Majesty's Privy Council afresh as follows.

To the Right Honourable the Lord High Chancellor and remanent Lords of his Majesty's most Honourable Privy Council;

The humble Representation of the Council General of the Company of Scotland trading to Africa and the Indies.

May it please your Lordships;

TIS not unknown to your Lordships, how that in several successive Sessions of this current Parliament, his Majesty

ty's Instructions to his respective High Commissioners, and their
veral Speeches pursuant thereto, have been full of repeated Af-
rances of his Majesty's good Inclinations for encouraging the
rade and Manufactories of this Nation: And whereas ac-
rdingly by the 22d Act of the fourth Session, and the 8th Act
the fifth Session of the said Parliament, together with his Ma-
ty's Patent under the Great Seal of this Kingdom, our Com-
ny is established with such ample Privileges and Immunities
were thought most proper for encouraging both Natives and
reigners to joyn in the carrying on, supporting, and advance-
ent of our Trade; we in pursuance, and upon the publick Faith
ereof, not only contributed at home a far more considerable
nt Stock than ever was yet rais'd in this Nation for any pub-
k Undertaking or Project of Trade whatsoever, but have al-
had all the promising hopes and prospect of foreign Aid that
r hearts could wish, till (to our great surprize) the English
inisters at Hamburgh have, under pretence of Special War-
nt from his Majesty, put a stop thereto, by giving in a Memo-
al to the Senate of that City, threatening both Senate and Inha-
tants with the King's utmost Displeasure, if they should coun-
nance or joyn with us in any Treary of Trade or Commerce, as
the annexed Copy thereof may appear.

Upon due consideration whereof, we have in all duty and hu-
ility address'd his Majesty in June last for redress thereof;
answer to which Address his Majesty was then graciously
eased to signify by his Royal Letter, That upon his return into
ngland he would take into consideration the Contents of our
id Address, and that in the mean time he would give Or-
ers to the said Ministers at Hamburgh not to make use of his
oyal Name or Authority for obstructing the Trade of our Com-
ny with the Inhabitants of that City. In the full assurance of
hich we rested secure, and took our measures accordingly, till
our further surprize and unspeakable prejudice, we find by
peated Advices from Hamburgh, that the said Resident con-
nues still contumacious; and is so far from giving due Obedi-
nce to his Majesty's said Order, that upon application made to
in by our Agent in that City, with all the respect due to his
haracter, he declared, that as yet he had got no such Order
in our behalf; which by a further Address we are now to lay
efore his Majesty.

But whereas we humbly conceive your Lordships to be more
nmediately, under his Majesty, the Guardians of the Laws
nd Liberties of this Kingdom, We think it our duty to repres-
ent to your Lordships the Conference of the said Memorial

both with relation to our Company in particular, and the Privileges, Interest, Honour, Dignity, and Reputation of the Nation in general.

Your Lordships very well know of what concern the Success of this Company is to the whole Kingdom, and that scarce any particular Society or Corporation within the same can justly boast of so solemn and unanimous a Suffrage or Sanction, as the Acts of Parliament by which this Company is established. So that if effectual measures be not taken for putting an early stop to such an open and violent Infringement of, and Incroachment upon the Privileges of so solemn a Constitution, 'tis hard to guess how far it may in after Ages be made use of as a Precedent for invading and overturning even the very Fundamental Rights, natural Liberties, and indisputable Independency of this Kingdom, which by the now open and frequent Practices of our unkind Neighbours, seem to be too shrewdly pointed at. And should this Company (wherein the most considerable of the Nobility, Gentry, Merchants, and whole Body of the Royal Burroughs are concerned, be so unhappy (which God forbid) as to have its Designs rendered unsuccessful through the unaccountable evil Treatments of our said Neighbours; most certain it is that no consideration whatever can hereafter induce this Nation to join in any such other publick Stock, tho' never so advantageous an undertaking, as not doubting but to meet with the like or greater Discouragements, from those who give such frequent and manifest Indications of their Designs to wrest our Right and Freedom of Trade out of our hands.

For which cause we humbly offer the Premises to your Lordships serious Consideration, not doubting but you will (in your profound Wisdom and Prudence) take such effectual measures for redress thereof at present, and to prevent the like Incroachments for the future, as may be capable to remove those Apprehensions and Jealousies, which the bare-faced and avowed Methods of the English do now suggest, not only to our Company in particular, but even to the whole Body of this Nation in general.

Signed at Edinburgh the 22^d
Day of December 1697. in
Name, Presence, and by Or-
der of the said Council Ge-
neral, by

May it please your Lordships,
Your Lordships most Obedient, and most Humble
Servant,

Sic subscribitur. Francis Scot P.

And therewith they join'd another to the King, as follows.

To the King's most Excellent Majesty,

*The Humble Address of the Council General of
the Company of Scotland trading to Africa,
and the Indies.*

May it please Your Majesty ;

Y^e a former Address, of the 28th of June last, We have humbly represented to Your Majesty, that Your Majesty's voy to the Court of Lunenburgh, and Resident at Hamburgh, under pretence of special Warrant from Your Majesty give a Memorial to the Senate of the said City of Hamburgh, contrary to the Law of Nations, and expressly invading the privileges contained in the said Acts of Parliament and Letters Patent, by which our said Company is established; Copies of which Address and Memorial, we have for Your Majesty's better Information hitherto annexed: In answer to which Your Majesty was then graciously pleased to signify by your Royal Letter, at upon Your Majesty's Arrival in England. You would take Contents of our said Address into consideration; and that the mean time You would give Orders to your said Minister to make use of Your Majesty's Name or Authority for obstructing our Company in the prosecution of our Trade with the inhabitants of the said City of Hamburgh. In the full assurance of which we rested secure, and took our Measures accordingly, till, to our further surprize and great disappointment, we find by repeated Advices from Hamburgh, that your Majesty's said Resident continues still contumacious, and so far from giving due Obedience to Your Majesty's said order, that upon Application made to him for that effect, with respect due to his Character, he pretended, that he had never as yet got any such Order on our behalf: Which we thought, in all duty and humility, to lay before Your Majesty, remaining withal our most humble and earnest Request, that Your Majesty would be now graciously pleas'd to take the Contents of this and our said former Address into consideration, and, in
Your

Your Royal Wisdom, order some speedy and effectual Redress of our Grievances therein mentioned, and a just Reparation of the manifest Damages which our Company has already sustain'd by reason of the said Memorial: And grant us a Declaration under Your Royal Hand, to render the Senate and Inhabitants of the City of Hamburgh, and all others with whom we may have occasion to enter into Commerce, secure from Threatnings and other false Suggestions contained in the said Memorial, as we are to render us secure under Your Majesty's Protection, in the free Enjoyment of our lawful Rights and Privileges contained in Your Majesty's Acts of Parliament and Letters Patent above-mentioned.

Signed at Edinburgh the 22^d Day of December 1697, in Name, Presence and by Order of the said Council General, by

May it please your Majesty,
Your Majesty's most Faithful, most Dutiful
most Humble, and most Obedient Subject
and Servant,

Sic subscribitur Francis Scot P.

Notwithstanding all this humble Application, there was no stop put to that Opposition: So that the *Hamburghers* dur'd not venture to subscribe; and the Company, after great loss of time, and Money, and leaving two Ships unfinished, to the great Dishonour, as well as Disadvantage of the Nation, were oblig'd to recal their Agents, after having spent 30000 *l*, and not receiv'd one Farthing there, tho' the *Hamburgers* were so willing to joyn, that they were sorry there was not room left for subscribing more than 200000.

The Company finding themselves thus injuriously dealt with, made application to the Parliament of Scotland for Redress, upon which the Parliament presented the following Address to his Majesty.

An ADDRESS to his Majesty, by the Parliament.

“ **W**E Your Majesty's most Loyal and Faithful Subjects, the Noblemen, Barons, and Burgesse
“ convened in Parliament, do humbly represent to Your
“ Majesty

Majesty, that having consider'd a Representation made to us by the Council General of the Company trading to *Africa* and the *Indies*, making mention of several Obstructions they have met with in the prosecution of their Trade; particularly by a Memorial presented to the Senate of *Hamburg* by Your Majesty's Residents in that City, tending to lessen the Credit of the Rights and Privileges granted to the said Company by an Act of this present Parliament :

" We do therefore, in all humble Duty, lay before Your Majesty, the whole Nations Concern in this Matter : And we most earnestly do entreat, and most assuredly expect, That your Majesty will in your Royal Wisdom take such measures as may effectually vindicate the undoubted Rights and Privileges of the said Company, and support the Credit, and Interest thereof.

" And as we are in Duty bound to return Your Majesty most hearty Thanks, for the Gracious Assurances Your Majesty has been pleased to give Us of all due Encouragement for promoting the Trade of this Kingdom : So we are thereby encouraged at present, humbly to recommend to the more special Marks of Your Royal Favour, the Concerns of the said Company, as that Branch of our Trade, in which we, and the Nation we represent, have a more peculiar Interest.

*Subscribed at Edinburgh the 5th of August 1698. in
" Name, Presence, and by Warrant of the Estates of
" Parliament.*

SEAFIELD J. P. D. P.

By all this it is evident, that the whole Kingdom of *Scotland* was unanimous in this matter, and proceeded deliberately in it, as that which highly concern'd their Interest : Let us see that all their Endeavours were to no purpose; or our Enemies were so resolute in opposing our Trade, and rather than it should succeed they will not only trample under foot the Laws of *Scotland*, but the Laws of Nations, and exactly follow the Pattern set them by the *French*, in huffing and tyrannizing over their Neighbours, when at the same time they pretend to make War upon *Lewis XIV.* for Practices of the same nature; and whilst they cry out upon the Decisions of the Chamber

Chambers of *Brisac* and *Mets*, and of the Parliament *Paris* as tyrannical and unjust for invading the Rights Neighbouring Princes and Nations, and set up a Cabal *Whitehall* to do the like by *Scotland* and *Hamburgh*. They let the World judg, whether the King of *England* had not less reason to say that he was ill serv'd in *Scotland*, than the King of *Scots* had to say that he was ill serv'd in *England* since one single Address from the Parliament of *England* prevail'd with their King to forbid all his Subjects to joyn with the *Scots*; whereas the repeated Supplications of the Company of *Scotland*, the Address of their Parliament and the Authority of Law, and his own Letters Patent could not prevail with the King of *Scots* to do Justice to his own Subjects. We wish these Gentlemen would consider this, who were so very angry at the Author of the Defence of the *Scots* Settlement, for saying that the King of *Scotland* was detain'd prisoner in *England*. It is very certain, that never any King of *Scotland* before the Union of the Crown dar'd thus to trample upon their Laws, or to suppose the General Interest of the Nation; or if they attempted to do it, they were quickly made sensible of their being inferior to the Law, and the States of the Nation assembled in Parliament, who till the Accession of our Princes to the *English* Throne, remain'd in an undisputed possession of calling their Kings to an account for Male-administration, and disposing of their Lives and Liberties as they saw cause. We need not go so far back for Evidence to prove this, as *England* the 7th, who was brought to his Tryal on suspicion of having murder'd his own Wife, and acquitted upon discovery of the real Murderers; or of *James III.* whose Ministers, by whose Council he governed, were taken out of his own Bed-Chamber by the Nobles, and hanged over *Lauder-bridg*; and he himself pursuing in those Courses was killed in flight, after being defeated in Battle by the States, and in the next Parliament was voted to be lawfully slain.

We have a later Instance, and the Power of our Nation on that Head was largely asserted and accounted for by the Earl of *Morton* then Regent of *Scotland*, in that noble Memorial he delivered in to *Q. Elizabeth* and her Council in defence of our proceedings against *Q. Mary* whom we de-thron'd, and in her stead set up her Son: So that it is not the Principle or Practice of any one Party of our Nation (tho it has been of late fix'd upon the Presbyterians as peculiar to them)

n) but was an Hereditary Right conveyed to us all by Ancestors, practis'd by Papists before the Reformation, justified by those of the Episcopal Perswasion since particularly by the Earl of *Morton* before mention'd, who was first that introduc'd Bishops into our Church after the Reformation.

Those things are not insisted upon with any Design of applying them to his present Majesty, or of incensing the People of *Scotland* to do so, but only to inform those that put Majesty upon such Courses, that they are his greatest Enemies, and do what in them lies to destroy him. It is the common Right of Mankind to be protected by those they are subject to, and to complain of Governors when they find themselves aggriev'd, and their Privileges torn from them by Violence. This Generation has prov'd it beyond possibility of Reply, that the greatest Pretenders to submission to Tyranny, and the most zealous Patrons of Passive Obedience, will resist and dethrone their Kings too, when they find themselves oppress'd by them. They that maintain the contrary, are nothing but mean-spirited Flatterers, or such as flatter with Courts, because of their own private Advantages; and be their Quality what it will, are far from being noble and brave as that poor Woman who told *Philip of Macedon*, that he ceas'd to be King when he refus'd to hear a Petition. Upon the whole it will appear, that the Author of the Defence of the *Scots* Settlement, made the best Apology for his Majesty that could be made, when he said he was a Prisoner in *England*, and therefore forc'd to submit thus against the Interest and Dignity of his Crown as King of *Scots*. It is demonstrated thus: If his Majesty were in *Scotland*, and another Person upon the Throne of *England*, it is plain his Majesty would have encouraged the Trade of *Scotland*, and resented such Practices in the King of *England*, as contrary to the Laws of Nations, and the Sovereignty of his own Crown: If he did not, he would be look'd upon to be mean-spirited, and not fit to wear it; and if he took part with the King of *England* against the Dignity of his Crown, the Interest of his Kingdom, he would not only be look'd upon as an Enemy to his Country, but as *felo de se*. From which it is plain, that as it is the best Apology that can be made for the King of *Scots*, when he acts thus, contrary to the Honour and Interest of himself and his Country, to say, he was a Prisoner in *England*; so it is a sufficient Justification of the People of *Scotland* to refuse Obedience to what he commands

mands by the Influence of the *English*, or other Councils, opposition to their Interest, because they are the Command of a Captive, and not of the King of *Scots*. If our Enemies see he is no Captive, but at Liberty to go to *Scotland* if he pleases, it is so far from making his Case better, that makes it ten times worse; for if his Affections be captivated we are without remedy, except we either sue for a Divorc as in case of wilful Desertion, and denying conjugal Duty or withdraw from under his roof, and remove to another Family, as God and Man will allow one Sister to do that is oppressed, and denied the Privileges of paternal Love and Protection, whilst another is caressed and dandled, and has her Fortune raised by diminishing that of the neglected Sister.

The *Jamaica* Proclamation against our Colony at *Darien* comes next to be considered, and is as follows.

By the Honourable Sir William Beeston Knt. Governor and Commander in chief for his Majesty in the Island Jamaica, and of the Territories and Dependences of the same, and Admiral thereof.

“ **W** Hereas, I have received Orders from his Majesty by the Right Honourable *James Vernon*, One of the Principal Secretaries of State, importing that his Majesty was not informed of the Intentions and Designs of the *Scots* in peopling *Darien*, which is contrary to the Peace betwixt his Majesty and his Allies, commanding me not to afford then any Assistance: In compliance therewith, his Majesty's Name, and by his Order, I do strictly charge and require all and every his Majesty's Subjects, that upon no pretence whatsoever they hold any Correspondence with the *Scots* aforesaid, or give them any Assistance with Arms, Ammunition, Provision or any thing whatsoever either by themselves or any other for them; nor assist them with any of their Shipping, or of the *English* Nations, upon pain of his Majesty's Displeasure, and suffering the severest punishment given under my Hand and Seal of Arms, the 9th of *April* 1699. and in the 11th year of the Reign of *William* the 3d, King of *England* *Scotland*, *France* and *Ireland*, and Lord of *Jamaica*, Defender of the Faith.

It contains a heavy Charge against the *Scots* Company
havi

ving settled in *Darien* without informing his Majesty, and
 ving thereby broke the Peace betwixt his Majesty, and
 Allies. As to their not informing his Majesty with their
 sign, there was neither any need of it, nor had they rea-
 to do it : that there was no need of it, is plain enough
 the Act of Parliament impowering them to settle any
 ere in *Asia*, *Africa*, or *America*, upon places not inha-
 ed, or any other place, with consent of the Natives, and
 possess'd by any *European* Potentate, Prince or State :
 that they were under no Obligation to acquaint him
 ere they design'd to settle, provided they kept to the
 ems of the Act. And that they had no cause so to do, is
 dent from that unreasonable opposition that a Faction of
 urt had prevailed with him to make to them all along,
 ich gave them just cause to expect the like treatment in
 e to come.

Then as to the Breach of the Peace betwixt his Majesty
 his Allies by the Settlement, they had no reason to think
 themselves guilty of any such thing, and so much the less,
 t *Dampier*, *Wafer*, and all others that wrote of the Coun-
 gave an Account of the Natives being in possession of
 ir Liberty, and almost in continual Wars with the *Spa-*
nds. Besides, it was a rul'd Case in *England*, since Capt.
arp was by Law acquitted in King *Charles II's* time, not
 y for having marched through *Darien* in a Hostile man-
 , but for attacking Places that were really in pos-
 ion of the *Spaniards*, as *St. Maria* and *Panama*, because he
 ed by virtue of a Commission from those *Darien* Princes.
 is, together with their not finding a *Spaniard* or *Spanish*
 rison on all that part of the Isthmus, was enough to justi-
 the fairness of the *Scots* Settlement there, and to have put
 op to this hasty Sentence till both sides had been heard.

But instead of that, the Advisers to this Proclamation take
 on them, in a very Magisterial manner, to declare the
 s guilty of a Breach of the Peace betwixt his Majesty
 his Allies : which is so much the more remarkable, that
 s Proclamation is publish'd in the *West-Indies*, before e-
 it was known what the *Scots* could say in their own de-
 ce ; and sent away before the presenting of the *Spanish*
 morial, which was on the third of *May* 1699. and the
 oclamation bears date *April 9th* 1699.

The unfairness of this Proclamation is evident from this,
 t at the very same time it is publish'd in the *West-Indies*,
 Lord President of the Sessions, and his Majesty's Advoca-
 cate

cate for the Kingdom of *Scotland*, were sent for from her to see what they could say to justify their Pretensions to *Lion*; which they did by such Arguments as have not yet been answer'd.

We leave it then to the impartial Thoughts of the good People of *England*, whether we have not occasion to say that our King is in the Hand of our Enemies, since we are thus condemn'd without a hearing, and our Nation put to trouble and expence to send Lawyers out of the Kingdom to defend themselves before those that had already condemn'd them. And since this is a visible effect of the Union of the Crowns, by which we are every day more and more oppressed; let them speak their Consciences, if we have not the reason in the World to dissolve that Union, except the Nations be more closely united, and upon a better footing.

That we were so treated in former Reigns, we had great cause to wonder, when the Court was engaged in a Conspiracy against our Religion and Liberties. And our Nation being inferior to none in their Zeal for both, it was but natural to think that we should be the first Sacrifice: But we were treated thus by a Prince who hath ventur'd his Life to save us from Popery and Slavery; a Prince who for Courage in War, and Conduct in Peace, is not to be match'd in *Spain*; a Prince who is under God the Great Champion of our Religion, and the bold Asserter of *Europe's* Liberty; a Prince whose Family we revere, and whose Person we adore; a Prince for whom we have so cheerfully ventur'd our Lives and lost so much of the best Blood in our Veins; to be thus treated by such a Prince hath something cutting beyond expression, and proves that our Disasters are no way to be remedied, but either by a total Separation, or a closer Union of the two Kingdoms.

We cannot be so unjust to his Majesty's Character as to think a Prince of his Magnanimity could be guilty of so mean a thing as willingly to subject the Crown of his Ancient Kingdom which he received free, to that of another. We cannot once suffer it to enter into our thoughts, that he would dare to out-brave Death in the Field a thousand times a day, should act so unworthy a part as first to condemn, and then to try us. These and all other things of that sort must needs charge to the account of our Enemies about him who misrepresent us, and therefore surpise his Majesty in any thing he does against us.

As to that positive Sentence of our having acted contrary the Peace betwixt his Majesty and his Allies, we have all the Reason in the World to complain of it. Is our Kingdom become so mean and contemptible, that what is transferred according to the Acts of our Parliaments, and Patents our Kings, is liable to be annull'd, or declared illegal, by any Person that has the hap to be made an *English* Secretary of State, Governor of one of their *American* Plantations, or Member of their Council of Trade? If it be so, his Majesty's Dignity, as King of *Scots*, is well defended in the same time, when it is liable thus to be trampled upon by his Servants as King of *England*. This does indeed verify what has been said, that our Kings since the Union leave their Antient Kingdom to the disposal of their Servants: whether this be agreeable to the Coronation Oaths of our Kings, let them determine that are concern'd to enquire; perhaps it may be worth the consideration of our Neighbours, whether since we have been govern'd by Servants, they have not for the most part been subject to Minions, and that the one does naturally pave the way for the other. So that they are no great gainers by the Bargain.

If it be answer'd, that the Proclamations are issued by his Majesty's Authority, and that therefore our Sentence proceeds from his Bar.

We answer, 1. That there are shrewd Suspicions that a certain Gentleman or two who have affected all along to shew their zeal against the *Scots* in this Affair, have push'd this matter beyond their Instructions; for there's no man that knows his Majesty's Justice and Wisdom, can admit a thought that would condemn us before we were heard.

2. We don't at all question his Majesty's Authority as King of *England*, to forbid his *English* Subjects to give any manner of Assistance to the *Scots* at *Darien* (tho we might think it was unkind) but we absolutely deny that he has any Authority as King of *England* to condemn the Proceedings of the Subjects of *Scotland* for any thing they transact within the Dominions of *England*. If it be otherwise, his Majesty, King of *Scots*, is bound to appear at the *King's-Bench-Bar* in *Westminster-Hall* for what he hath done as King of *Scots*, upon the Lord Chief Justices Summons; and of what Consequence this may be to himself or his Successors, may be easily judg'd. Had *Oliver*, and the other Regicides, bethought themselves of this, it had been more for the Honour of *England*, and would have taken off a great deal of the odium

that is charg'd upon them for cutting off King *Charles*, he they search'd for something Criminal in his Conduct towards the *English* Nation as King of *Scots*, and condemned him for that. Tho they did not think upon this, perhaps others may and then the *English* will be able to justify themselves as not having cut off their own King, but their Enemy the King of *Scots*, as there's no doubt they would have done by King *Charles II.* had he not made his escape after the battle of *Worcester*.

This may perhaps deserve the thoughts of his present Majesty and others concern'd in the Succession, and so much more that the dependence of the Crown of *Scotland* upon that of *England* hath been lately asserted by some *English* Historians, and indirectly hinted at in a pretended Answer to the *Defence of the Scots Settlement at Darien*, p. 24.

But to satisfy that Gentleman and others, who plead themselves so much in vilifying the *Scottish* Nation, they may turn to the Reigns of *Edward I. II. and III.* and they will quickly find that Sir *William Wallace*, K. *Robert Bruce*, *James Lord Douglas*, *Thomas Randolph* Earl of *Murray*, and others that we could name, did so gallantly defend the Sovereignty of *Scotland* against those bold Pretenders to a Superiority over us, that their Successors have had no great strength to pursue their Claim to it since: So that if ever they had any, it is forfeited by Prescription.

Oliver's imaginary Conquest so much insisted on by the dull Answerer of the *Scots* Defence, and others, will be of no use to the Faction in this matter, since that was no National Quarrel, nor did the *English* pretend to any thing as Conquest of us, but immediately withdrew their Forces upon the Restoration. So that *Oliver's* Conquest, as he calls it was only the victory of one Party over another in a Civil War, it being well known that he had Friends in *Scotland* as well as *England*, which (if that Wise Author will have *Oliver's* Victories to be Conquests) he had conquered too before ever he came near *Scotland*.

We don't insist upon this with any design to derogate from the Valour of the *English* Nation, which is known all over the World, but to stop the mouths of those pitiful Scriblers, and to give a *Caveat* to those Gentlemen about Court, who talk so big of conquering *Scotland* upon this present occasion.

But we wish them to consult beforehand how *England* in general stands affected to such a Design, and how they will justify

fy the Lawfulness of it, left it fare with them as it did
 h K. Charles I. and his Cabal, who not only in Council
 is'd, TO REDUCE US TO OUR DUTY BY
 RCE RATHER THAN GIVE WAY TO OUR
 MANDS, as may be seen in the *Representation of the States*
Scotland in 1640. but rais'd Money, and levied a formid-
 e Army to carry on their Design; and yet the Hearts of
 e Bravos fail'd them when they came in view of the
 s, who repuls'd them twice with shame, the first time
 n they encamp'd their great Army near *Barwick*, and
 next when we charg'd them at *Newburn*. And at last
 best of the Nobility and Gentry of *England* thought fit to
 a stop to those dangerous Proceedings, and follow'd his
 esty with a Protestation against them, as well know-
 that if *Scotland* were once subdued, the Liberties of
land could not be long liv'd.

hat it is the Interest of *England* now to prevent the Ruin
Scotland, as much as it was then, will appear by the fol-
 ing Arguments.

. That the present Juncture of Affairs makes it necessary
 the Kingdom of *England* rather to strengthen themselves
 making new Friends than by procuring new Enemies.
 y are not ignorant, that they have a controverted Title
 heir Crown entail'd upon them, and that the Preten-
 against those in possession are in the *French* Interest, and
 er their Protection. Nor can they be ignorant, that to the
 National Hatred betwixt *France* and *England*, the *French*
 e added that of the Protestant Religion. Of late years
 y have declared themselves the most implacable Enemies
 ; and their King in all his Triumphs has that ascrib'd to
 as his greatest Exploit, that he hath quelled the Monster
 eryl. The case being thus, it must needs be against the
 rest of *England* to suffer any froward and headstrong
 ion to embroil them with *Scotland*, or to ruin that
 gdom; the Consequence of which will be the exposing
 nselves as an easier Prey to the Conquest of the *French* or
 other Enemy.

hat the *French* had a hand in fomenting our late Civil
 rs, and made use of their Firebrands in all Parties, is be-
 d dispute; and that it is now more their Interest to di-
 us than ever, is so palpable that it cannot be denied.
 hing in humane probability could have stop'd the impe-
 us Current, of their Arms, but the Interposition of
 at *Britain*; and therefore it concerns them, both in

point of Interest and Revenge, to dash us against one another: and if the ill Usage that we meet with from the Court of *England* should force us again into *France* or other Alliance, the World cannot blame us; since the Laws of Nature and Nations are for us. Put the case that a smaller number of Christians should be unjustly attack'd by a greater, whom nothing will satisfy but the utter Ruin of the former. Could any man in conscience blame the weaker Party too in the Assistance of *Jews* and *Pagans* to preserve their own Lives? is it not the same case with the *Scots*? have they not ever since the Union of the Crowns been oppress'd and tyranniz'd over by a Faction in *England*, who will neither admit an Union of the Nations, nor leave the *Scots* in possession of their own Privileges, as Men and Christians? Was it not this Party in *England* that impos'd upon us first in Matters of Religion? Did we send first to oblige them to submit to the *Geneva* Disci-
plin, as they call it; or was it they that first impos'd their Ceremonies and Forms of Prayer upon us? Was it we who first invaded them with an Army to subvert their Civil and Religious Liberties, or did not they first invade us? Was it we who first made Acts against their Trade, or they who made Acts destructive of ours? Did we first issue Proclamations against their Colonies, or have they done so by ours? In the name of God then let them declare what they would have us to do. They will not unite with us, nor suffer us to live by our selves: Nor must we have any share of their Trade, or carry on a Trade by our selves. Is it not plain then that the Faction oppress us? and yet we must not complain of this sort of Treatment.

2. If the State of Affairs in *Ireland* be consider'd, it will appear to be such, as may make it dangerous to suffer the *Scots* to be oppress'd and provok'd in this manner. It is well enough known that the People of *Ireland* are not very well pleas'd with their Treatment by some in *England*. This, together with the great numbers of *Scots* in the North of the Kingdom, who bear a natural Affection to their Country, and would be very uneasy to see its Ruin, may prove a dangerous consequence, in case of a Rupture with *Scotland*.

3. It will further appear to be the Interest of *England* not to suffer the *Scots* to be so much run down, if they consider the posture of their own Affairs at home. The Divisions and Animosities betwixt the several Parties in *England* are well enough known: So that besides the Sport it would afford the common Enemy of our Religion and Country, to

ose two Nations engaged in War, the Enemies of the present Government would be sure to improve it, and watch for opportunity to avenge themselves for what has been done against the late K. *James*, and his Friends, It is well enough known what hopes they and some People beyond Sea conceive from the Differences that this Treatment of the *Scots* may probably occasion; and as they have an irreconcilable hatred against our Nation, because we declar'd so general-ly against the late King, and are so zealous for his present Majesty, there's no doubt but they will foment our Divisions as much as they can, and insinuate themselves with both Parties, in order to set them together by the Ears. They know that so many as fall in *England* of those who adhere to the present Constitution, and so many as fall in *Scotland* supporting the Trade and Freedom of their Country, so many Enemies they are rid of; therefore there's no question but they promise themselves a plentiful fishing in such troublesome Waters.

It likewise deserves the consideration of our Neighbours, that they don't stand at present in very good terms as to matters of Trade with *France*, *Holland* and *Flanders*; nor is it well known what the Issue of the present Controversy with *Spain* about regulating their Succession may be, The impending differences betwixt the Northern Crowns, may perhaps a little time imbroil them with one or other of them, and affect their Trade also on that side. All which being considered, it would seem to be the Interest of *England* to assure themselves of the Friendship of the *Scots*, by treating them in a kind and neighbourly manner.

4. It will appear in particular not to be the Interest of the dissenters and sober Churchmen, that the *Scots* should be run down, because their own Ruin will be the unavoidable Consequence of it. This they may soon be convinc'd of, if they will give themselves leave to consider how they were treated in K. *Charles* the First's time, when the Court did well with so much Rage against the Kingdom of *Scotland* asserting their Liberties then, as they do now. All those of the Church of *England*-men that could not conform to the Innovations brought into the Church by *Land* and his Party, were treated as Puritans and Schismatics; and those that appear'd for the Liberties of the Nation against the Ship-money and other Arbitrary Impositions of the Court, were treated as Rebels and Traitors. If they look into the two last reigns, it will appear as plain as the Sun, that when *Scot-*

land was oppress'd, and their Liberties wrested from them the Dissenters and moderate Churchmen in *England* were brought under the Lash: The former were depriv'd of the Religion and Liberties, and the latter expos'd to destruction by Sham-plots, &c. because of their appearing for the Laws of their Country. We need mention no more Instances to put this out of Controversy, than those deplorable ones of the Earl of *Essex* and Lord *Russel*; to which we may add the shameful and barbarous Treatment of the worthy Mr. *Johnson* Chaplain to the latter, because he so excellently defended with his Pen the Birth-right and Freedom of all true Englishmen.

From all this it will appear that *England* in general must suffer by the Ruin of *Scotland*, and that those who have always stood up for the *English* Liberties, must lay their Account to come under the lash, if once our Necks come under the Yoke: Therefore we dare appeal to the sober Members of the Church of *England*, whether it be their Interest that a Nation which agrees with them in all the Articles of their Church, those about Discipline excepted, should be destin'd to ruin, because we believe with most of the Reformed Churches, that there is no Office superiour to that of a Presbyter of divine Institution. Must we be denied the Privileges of Men and Christians, because we think that the Discipline of the Church may be more safely intrusted, and more faithfully administr'd by the joynt Endeavours of the Minister and the Heads of his Congregation, by an Association of neighbouring Ministers, and the Heads of their Parishes, and by Delegates both of the Clergy and Laity of those Associations in a general Convocation, than by another Model? But enough of this Subject. Let any Man peruse the learned Arch-bishop *Usher's* Treatise of *Presbytery* and *Episcopacy reconcil'd*, and there they will find that the difference is not so great as some People have made it their business to make the World believe. But if nothing less than our destruction will serve those Gentlemen, because our Church is of a different Constitution from that of *England*, and that our political Principles and original Constitution are diametrically opposite to arbitrary Power, let the Dissenters of *England*, and all those Churchmen that concurr'd in the late Revolution, look to it. When their Neighbour's House is on fire it's time for them to prepare their Bucket's. If this Digression be thought impertinent, *H—* and the Answer of the *Scots* Defence must bear the blame of it. They would

ould insinuate to the World that the Affair of our Trade and Colony is a Presbyterian Project, on purpose to render odious and suspected to the Church of *England*; therefore it was necessary to obviate that false and malicious Suggestion, and to acquaint our Neighbours that the Company make no difference as to the matter of Persuasion: And let be put to the Test when they please, it will be found that those of the Episcopal Opinion are as zealous for the thriving of our Trade, and the Honour of our Nation (both of which are concern'd in this Affair) as any of the other.

To wind up this matter, if any Party in *England* enter in suspensions of us, the better way to prevent us is to treat kindly, and enter into an Union with us on such Terms his Majesty and the Parliament of both Kingdoms shall agree, and so as the Civil and Religious Liberties of both People may be preserved. That will be easier and safer than to lie on the Hopes of an uncertain Conquest; or if they don't think fit to do so, it's but reasonable they should leave us in the undisturb'd possession of our own Liberties: But if they will do neither, let them no more accuse those that complain of this Treatment as Incendiaries, but seriously examine whether they themselves mayn't with more Justice be accounted Oppressors.

PART II.

Being a more particular Answer to H——s's Libel.

WE come in the next place to take a Survey of H——s's Libel; intituled, *The Defence of the Scots abdicating Darien*; and shall speedily shew to how little purpose his seditious Libelers have spent their Pains and Money on him.

The first Line of his Performance is a Banter upon his Majesty, whom he charges with *investing our Company with immense Privileges and Immunities by his Oath of 1695*. There's no man can be answerable for more sense than God has given him; but tho' H——s understood no better, his Masters at *White-hall*, of whom he brags so much, ought to have taken care that he should not run into Nonsense, and an invective against his Majesty at first dath: To talk of granting us *immense Privileges*, is to impeach his Majesty's Wisdom, as if he had done nothing without parallel, which is directly to incense the Kingdom of *England* against him, as some bad People endeavour'd

vour'd to do, when by a Misrepresentation of our Design they stir'd up the House of Commons against it. But had the Surgeon or his Suborners look'd into the Privileges of 21 Years freedom from all manner of Taxes granted to the Dutch *East-India* Company by the States of *Holland*, and the vast Immunities granted by the French King, the *Dane* and *Brandenburghers* to their Companies for trading to the *East-Indies*, or even to those granted to the English *East-India* Company at first, they would have found there was no reason to charge his Majesty with granting us such immense or unparallel'd Privileges, or ascribing it to his no well knowing what he did for the noise of the Guns at *Namur*, as this petulant Scribler does. *Dedication, pag. 9*

But if *H——s* and his Suborners exclaim against our Privileges as immense, they are resolv'd to diminish the Authority by which they are granted, and call it only by the name of an *Oedroy*, which signifies no more than a Patent, whereas our Privileges were granted us by an Act of Parliament, which are greater and more sacred than all the *Oedroys* in *Europe*: Thus thro' Ignorance and Malice they think fit to vilify his Majesty's Conduct, and Authority, which they pretend to defend.

Their Malice is further demonstrated by the Parenthesis (*to be presum'd*) in the 2d page of the Dedication, where they speak of his Majesty's Promise to interpose his Royal Authority to do us right in case of disturbance, and that at the publick Charge (*to be presum'd*) of his ancient Kingdom. There might possibly have been some need of their presumption, had all Mankind been indow'd with as little Sense and Honesty as *H——s* and his Suborners; for no other Body could ever presume it to mean any thing else, since our Acts do not oblige *England*: Tho' if they had presum'd that our Enemies would take care that the said Promise should not be kept, the refusal of lending our Company the 3 Men of War built at the Charge of our own Nation, would soon have convinc'd the World that they had presum'd too true.

We have accounted for Mr. *Douglas's* Proposal elsewhere; nor shall we take notice of *H——s's* scurrilous Reflections on Mr. *Paterfon*, which only discover his own Temper, but do that honest Man no hurt. As to his charging us with squandering away 50000 l. on 6 Hulks at *Amsterdam* and *Hamburgh*, purely to make a noise of our Proceedings, &c. We would desire him and his Suborners to reconcile it with what they say from p. 14, to 20. where they own themselves

es that the *Dutch* and *Hamburgers* were both mightily
 id with the Design, p. 14. That the *Dutch* were tickled
 the Conceit that they should be Sharers in the *Scots Trade*;
 p. 16. they say, That that which gave the dead-stroke to
Scots Design, was the *East and West-India Companies* run-
 open mouth'd to the *Lords of Amsterdam*, shewing what
 hatching by the *Scots Commissioners* in their City to ruine
Trade of the United Provinces. P. 17. they tell us, That
Hamburgers thought it the more their Interest to em-
 ce the Project, the more that the *Dutch* oppos'd it: P. 18.
 at our Affair was generally favour'd by the *Burgers of*
Hamburg; and p. 21. That the Government of *England* sent
Senate of Hamburg a Caution by *Sir Paul Ricaut* to take
 how they suffer'd their *Burgers* to embark with us. So
 here we condemn them from their own mouths: It be-
 lain from those Concessions, that we did not idly squan-
 away our Money at *Hamburg* and *Amsterdam*; but
 both those trading Cities approv'd our design, and would
 be engag'd in it, had not the Court of *England* and the
 oppos'd it; and therefore what loss of Money we
 ain'd in those places, must be charg'd to their Account;
 hat *H——s* hath verified the Proverb, That Liars have
 d of good Memories.

This is not the only Instance wherein those of *H——s*
 his Suborners have giv'n them the slip; for in the 4th
 e of the Dedication, they upbraid the Company with
 ir blind Project, at which the trading part of the World
 d amaz'd; yet p. 17. They tell us that the Project was
 sonable both on the *Scots* and *Hamburgers* side; and the
 sons they give are these, That the River on which that
 stands is navigable for 200 Miles up into Germany for
 bottom'd Vessels of 70 to 80 Tuns, which gives them an
 ortunity of serving all the North Parts of the Empire,
 . All that they can say to salve this Contradiction is, That
Hamburgers knew nothing of *Darien*, but builded altoge-
 on Ships laden with *India Goods*; but that's a notorious
 hood, for the *Hamburgers* were actually told that our
 ign was on the Isthmus of *America*, and therefore could
 be disappointed in their Expectations of an *East-India*
 de if they had a mind to have follow'd it, since they
 ld not be ignorant that they had thereby an opportunity
 hortning the Voyage from *Darien* to the *East-Indies*.
 at the same time it is much to be question'd whether the
Hamburgers were so intent upon an *East-India Trade*, as
H——s

H—s alleges, since it must visibly prejudice their Manufacture of Linen.

We shall conclude this of *Hamburg* and *Amsterdam* with one Observation, viz. that he tells us, p. 14. That one of the Reasons why the *Dutch* were so much taken with the *East-India* Trade, was our Exemption from Duties for years; which serves only to discover his own Folly and Malice, since every Body must necessarily know, that exemption from Duties was only in the *Scotish* Ports; so that they were exported from thence into any other Country they must pay the same Duties in those Countries, as if they had been directly imported from the *East-Indies*.

The Inconsistency of *H—s* and his Suborners is further demonstrated, p. 4. by supposing our buying a couple of second-hand Ships in the *Thames*, and dispatching them to *India* with a suitable Cargo. As to the buying of second-hand Ships the Company made that Experiment, but found themselves losers by it, and that it cost them more to fit up a second-hand Vessel for their purpose, than it would have done had they bought a new one. But with what Front can they braud us with not buying of Ships in the *Thames* for carrying on an *East-India* Trade, when they own, p. 7. that the *House of Commons* balk'd us of our Subscriptions, and reprimanded the Subjects of *England* for their foolery? How is it possible then that they would have suffer'd our buying Ships in the *Thames* for carrying on an *East-India* Trade?

We have another proof of his Ingenuity and Truth on that same Page, where he tells us, that if our blind Project (meaning that of *Darien*) should miscarry by our own ill Management, it is not fair we should snarl at our Neighbours who have no other Hand in our Misfortune, than that they would not be accessary to any Act which the World might judge Felonious, and wherein they could not joyin without engaging themselves in an unreasonable War and in the end to assist with Weapons to break our own Heads. We wish his Masters must joy of their Advocate and Evidence, for we believe they could not have found such another if they had searched through all the Island: He just now own'd that our Neighbours opposed our Subscriptions at home and abroad before they knew any thing of what he calls our blind Project; and made us squander away 50000*l.* to little purpose which certainly must be a misfortune, and that wherein our Neighbours had no small hand, tho' the World could not judge our taking Subscriptions in that Honourable manner.

any way Felonious. We have moreover sufficiently
 ed it elsewhere, that they have had a hand in our Mis-
 ne by down-right opposition, and unaccountable Pro-
 nations for which they had no Authority; we hope that
 will be allow'd to be something more than refusing to
 cessary to an Act that neither he nor his Suborners will
 be able to prove Felonious, and which we have already
 him, the Laws of *England* have in a parallel, nay much
 se case judg'd to be honest and righteous.

that all this Author hath got by his charging us mali-
 sly with Felony, is to prove himself a wilful Felon, for
 ells us at the end of his Book of a long dispute betwixt
 self and Sir J. Stewart his Majesty's Advocat for the
 dom of *Scotland*, about the Title of the *Spaniards* to
 ien; and if we may believe *H--s*, he baffled the Advo-
 , and prov'd the Right of the *Spaniards*: Which proves
 self to have engaged in a Design that he thought Felo-
 s, for we do not find, by his own Relation, that he
 the place from remorse of Conscience, but only on the
 ount of a *Malladie Imaginaire*, and want of Provisions;
 at we thank him for telling the World, from his own
 ath, that his Evidence against us is that of a Felon.

s to their engaging themselves in an unreasonable War,
 assisting us with Weapons to break their own Heads;
 did not desire they should engage in a War for us, but
 k it very unreasonable the *English* Court should have
 aged so far as they have done against us: It had been
 rient for them to have denied us their Assistance, with-
 having condemn'd us as guilty of breach of Alliance, which
 l the other parts of the opposition made to us, we are sa-
 d is not the Act of the *English* Nation, and therefore
 create no misunderstanding betwixt them and us, but
 aps may prove a Weapon in time to break the Heads of
 s and his Suborners.

the 5th Page, that his Book may be all of a piece, he
 nces a forg'd Obligation upon us, from the Union of the
 wns, which is, that we are thereby deliver'd from the
 Feuds and bloody little Wars that rag'd amongst us for
 50 years, which unnatural Massacres our native Princes
 unable to suppress, &c. This is down-right falshood in
 ter of Fact; for those Feuds, as he calls them, ceas'd
 e Lowlands long before the Union, but continue still in
 Highlands, which we can scarcely think is unknown to
 Author who was born so near that Country as *Dunbar-*

ton. The *Macdonals* have been several times in Arms against the Earl of *Argile* since the Restoration, and there's a Feud now depending between the *Frazers* and the *Murrays*, rather the Family of *Athol*. Nor did we ever hear of a thing that look'd so like an unnatural Massacre in *Scotland* as that committed since the Revolution upon the Inhabitants of *Glenco*, which had it not been for the Union of the Crowns, would not have been suffer'd to go unpunish'd. But admitting it to be true, that the Union had deliver'd from those little Feuds, we are no gainers by the Bargain, since it hath occasion'd greater; particularly that unnatural Feud which rag'd so long betwixt the Episcopal Party and Presbyterians, and had its rise altogether from the Union of the Crowns; the very prospect of which, was the sole cause why the Earl of *Morton* (which Regent) set up the first Protestant Bishops in *Scotland*.

Into what Convulsions that Imposition threw the Nation well enough known; and how besides the bringing down *Charles I.* with 30000 Men against our Kingdom, and contributing to engage the Nations in a Civil War, it occasion'd King *Charles II.* to plunder the West of *Scotland*, first by Sir *James Turner*, which gave rise to the Insurrection in *Pentland*; and twice afterwards by the *Highland Host*, which occasion'd that of *Bothwell-Bridge*: And afterwards the Opposition run so high, that it forc'd some of the Presbyterians into unaccountable Actions, which gave occasion to oppress the whole Party; so that it was made punishable by Death for any of their Ministers to preach, or for the People to hear them. From this indeed, we were totally deliver'd by the Revolution, tho' our freedom in that respect was partly begun by the late King *James's* Declaration. But our Enemies, unwilling that our Nation should be long at ease, have found other Methods to set our Court against us: And because they know that his present Majesty has too great a Soul to persecute any man on the account of Conscience; our Enemies have chang'd their Battery, and instead of pointing their Cannon at our Religion, they level their Artillery against our Civil Liberties. The Powder they prime their Artillery with, is, That we are Enemies to Prerogative: But because this would not go down with the good People of *England*, who are strenuous Assertors of Liberty and Property, they must gild it over with the specious Pretence that we have a design to undermine their Trade, and have unjustly invaded the *Spanish Dominions*. This is the Design

and his Suborners; and therefore they insist so much on our Clandestine Declarations, as they call them, that publish'd in the *English* Plantations, on purpose to drain of their People; but unhappily overthrow what they once at the same time, when they tell us, That the *several Sloops were Witnesses that we had neither Provisions, Money for the sustenance of our own People*, P. 148. And before it cannot reasonably be suppos'd that we had any design as he maliciously charges us with, to draw over People from the *English* Plantations, since we had not rewith to support our own; but more of this anon. Our hor learn'd the Maxim of *Calumniare audacter & aliquid bit*, when he was a Papist: And if he and his Subor- can be any way instrumental to set the Nations toge- by the Ears by this Method; or if that fail, if they but raise Animositys between them, they know it will good pretence for some People to put his Majesty upon ting for a Standing Army, and perhaps for having it en- d, it being necessary, say they, to overaw the *Scots*, but ality to protect such evil Counsellors from being brought justice, that have advis'd to such Measures as visibly tend he disadvantage of both Nations.

may perhaps be worth the Enquiry of our Neighbours whether this be not the real meaning of this intolerable Op- tion exercis'd upon our Nation as to their Trade both at and abroad, viz. That knowing our *præservidum In- um*, as they are pleas'd to call it, to be impatient under ranny, the Faction think thereby to provoke us to a re- ment that may give occasion for raising an Army against which if it have the good hap to subdue us, or force us digest our Oppression without any more to do, shall be de use of afterwards to chastise themselves, and bring m to better Manners, than to limit their Monarchs in ir Grants, and leave them no other Troops but their risons and Guards. It was the Observation of the Earl of ftsbury, whom his Enemies will own to have been a at Statesman, that *Scotland* is a Door to let in Good or l upon *England*; which is verified in the latter at least by whole Course of our History since the Union: For when *James I.* succeeded in trampling upon us, he quickly be- to huff his Parliaments in *England*; and notwithstanding all the Remonstrances of Church and State, would needs e a Popish Match for his Son, tho' he should sacrifice the eat. Sir *Walter Rawleigh*, his own Daughter the Queen of Bohemia:

Bohemia, and her Children, together with the Protestant Interest in *Germany*, to make way for it. When *Charles* obtain'd footing for his Impositions on the Church and State of *Scotland*, it's well enough known what Methods he too with *England*, and how he sacrific'd the Protestant Interest in *France*, whilst he eagerly pursued an Arbitrary Sway at home. When *Charles* the II. got his Prerogative exalted and an Army at his Call allow'd him in *Scotland*, it's too late to be forgotten how he trod under foot the Liberties of *England*, seiz'd the Charters of their Cities, cut off whom he would by Sham-Plots, and pav'd the way for Popery and Arbitrary Power. When *K. James II.* did by his absolute Power and unaccountable Authority cass and annul all the Laws establishing the Reformation in *Scotland*; it was not long e're he suspended the Laws, imprison'd the Bishops, and fill'd with Papists his Council, Army, and Universities in *England*. From all which it is evident that our Neighbours have reason to look to themselves when we are oppress'd; for in all probability their Acts of Parliament will not be long regarded, where ours are annul'd and made void by the Intrigues of the Courtiers, and *West India* Proclamations. The very Advocates of Tyranny make use of this as their *Herculean* Argument. That the People having once resign'd their Privileges to the Crown have no more right to demand them; which tho we will not allow to be any ways concluding, yet we may very well make use of it *ad hominem*, that *a pari ratione*, when once a Prince has touch'd with his Scepter a Law for the benefit of his Subjects, it is not in his power to revoke or counteract it; or if he do, by the same Power that he absolves himself from his Obligation to protect and defend his Subjects, he absolves them from all obligation to pay him any Revenue or Allegiance. This is the Birth-right of all *Scotsmen*; and if our Neighbours in *England* have a mind to sit still and see us bereft of it, all the benefit they can expect from it, is to have the Privilege of being devour'd last.

The rest of his Banter upon his Native Country serves only to lessen his own credit, and to make even those that set him at work, curse him in thought, not only as a Monster in nature, but as dishonest to them, by depriving them thus of the benefit of his Evidence, for which they have paid him so well; since no body in the world can think a man will have any regard to Truth, that in such an impudent manner breaks thro all the Ties of Nature; and as a just Judgment for so enormous a Crime, is so far depriv'd of his reasoning Faculty,

aculty, that he is not sensible of his cutting his own Throat, by contradicting himself almost in every Paragraph. He upbraids us in one Page with not having dar'd to descend into the Plains, and that those gallant Men our Ancestors durst not assemble for Worship before the Union, except in a House whose Wall was twelve or 14 foot thick, or to whisper their Prayers or Carrols thro the Cliffs of the Mountains: In the next Page he tells us he has no Inclination to offer any thing in opposition to the Gallantry of our Ancestors; and in the next Pages following he impertinently ridicules the Valour of our Country in the Story of *Baliol*, which he perverts in such a manner, as no man but himself is capable of.

We don't think it worth while to answer him according to his Folly, but shall once for all let him know, that the most invective of the *English* Historians, that wrote in the heat of the War, do us more Justice than this unnatural enegado. There's no Nation in *Europe*, where we have not even proofs of our Valour, nor is there a Court in *Christendom* where *Scots-men* are not valued on that account. *Samuel Daniel*, one of the best of the *English* Historians, owns that over any People of the World did more gallantly defend their Liberties than we did in that very instance of *Baliol*, when we were without a Head; and from thence infers, that what was it we could not have done, had we been then under the conduct of such a Leader as *K. Robert Bruce*. *Speed*, one of the gravest of the *English* Historians, does generously own, that few great Actions have been perform'd in *Europe*, where the *Scots* have not been with the first and last in the Field. We could easily give a proper Reply to the impertinent romance which he brings about *Baliol*, that would tend as much or more to the dishonour of *Edward I. II. and III.* than any thing that he and his Suborners have suggested can tend to the dishonour of our Nation; but we forbear it, having no sign to reflect upon our Neighbours, notwithstanding the rude Treatment and Provocation that we have had from —, and others on this occasion. We can, withoutinking our selves injur'd, own that the *English* are as brave men as any in the World, and are satisfied, that such of our Neighbours as are Men of Honour and Reading, will allow the same Character. We perceive it is the design of the beller and others to represent the *English* Nation as Enemies to us in this matter, on purpose to set us together by the ears; but we are satisfied of the contrary, as well knowing that not a few of our good Neighbours are much surpriz'd and

and displeas'd with our Treatment, and look upon the same to be the effect of such Councils as are destructive to the Interest of both Nations.

We shall conclude this point with one Observation more upon *H--s's* Ignorance and Malice, in denying that the *Scots* expell'd *Baliol* from the Crown, when such a noble Monument of the truth of it, as the original Letter of the States of *Scotland*, is still to be seen in the University of *Oxford*, and exemplify'd by Dr. *Burnet* now Bishop of *Sarum*, in his History of the Reformation; and since it is also plain that our Ancestors chose *Robert Bruce* King during *Baliol's* Life-time, and that *Baliol* at last resign'd all his Pretensions, confess'd his Fault in subjecting the Crown of *Scotland* to that of *England*, own'd that he was deservedly thrust from the Throne for it, congratulated his Kinsman *Robert Bruce's* Advancement, and that he had restor'd the Crown of *Scotland* to its antient Honour.

We take no notice of his profane and atheistical Banter upon the Religion of our Country, as being satisfied that will do his Cause no good amongst thinking men, tho it may please those that he is only fit to converse with. As for his malicious charge on Presbyterians, that they maintain it as their Principle, *That Dominion is founded on Grace*; it's of a piece with the rest of his Evidence. He and his Suborners will be very hard put to it to quote one of their Authors to prove the Assertion, and therefore they may well reject it as a slander: but we must tell him that if this be the Principle of the Presbyterians, they have not well answer'd it by their practice; for whenever they had any such thing as *Dominion* at their disposal, they seldom had the good hap to confer it upon those that had *Grace* enough to answer the ends of it. We forbear Instances, because it's too well known both in *France* and *Great Britain*.

We come next to examine his Charge upon our Colony on purpose to render them odious to the *English* Nation, and all the World, and shall transcribe it *verbatim*, that the reason of our Observations upon it may be the more obvious. His words are these.

If your Colony has left Darien for Reasons not as yet publick to the World, 'tis your fault, Right Worshipful Gentlemen, in undertaking to manage a Project you so little understood, and not of the English Nation, whose Interest it is to advance and preserve their own Colonies, and to keep them from being render'd desolate by the clandestine Artifices of yours, who industriously
and

and tacitely spread their Declarations over all the English Islands and Plantations, making use of the King of Great Britains Name, to give more authority to the thing: And by those indirect Manifestos, such Profits, or rather Plunders were insinuated, that if the Government of England had not taken early measures to prevent the ill Consequences, it's to be question'd whether the greatest part of the English West Indies had not e're now quitted their Settlements, and been decoyed into your Colony, under a cover'd Notion, that you had a Patent from the King to pick a quarrel with the Spaniards, and to divide the Spoil of Mexico and Peru amongst the Servants and Adventurers of the Company.

This indeed is something to the purpose, and might deserve the Suborners Money, were there no possibility of proving it false; but we shall see anon what ground there is for this bold Accusation, after observing,

That perhaps some Gentlemen at the West end of the Town may find at long-run that their Evidence has blab'd out something more in this Paragraph than it's for their Interest the World should know. We will only ask Mr. H---s some civil Questions: What are those Reasons not as yet publick to the World, for which our Colony left *Darien*? Sir *William Beeston's* Letter acquainted us that it was for want of Provisions, and for fear of the great Preparations by the Spaniards: The Letters we have had since from *New-York* say, that it was for want of Provisions, and because they were brought to their wits end, and did not know what to think of their Case by reason of the *English* Proclamations. Then since the very first of these, and much more all of them together, were reason sufficient, and are publick to the World, what other private reasons can Mr. H---s give us for it? We know he boasts of his Interest in those that are concerned in the Secrets of the West End of the Town: Did they tell him then that the Government of *England* took early Measures to prevent the ill Consequences of our Colony? If they did so, pray what were those Measures? Was the sending of Capt. Long thither to debauch our Men, traduce us to the Indians as Pirates, and to tell them his Majesty of *Great Britain* would not protect us, one of those early Measures? Was not their soliciting a foreign Minister to present a Memorial against our Colony as soon as ever the News of it arriv'd, another? And was not this the reason why they put it upon that Minister, and not upon the *Spanish* Ambassador, that the latter had been forbid coming to Court, because his Catholick

tholick Majesty would not admit of *Schonenburg* the Jew an Envoy from the *Dutch*? Were not the Enemies of the *Scot* Company so zealous in promoting that Memorial, that they could not have patience till orders came from *Madrid*, but put the Envoy upon it of themselves? And when a Controversy happen'd about receiving it signed or unsign'd because of the difference betwixt the two Courts, did not our Enemies agree to it as an Expedient, that one of both should be presented? Was not this abominable trifling upon a point of Honour, when they were plotting to bereave the Kingdom of *Scotland* of their Honour, Men, Money, and Colony all at once? Were not these more clandestine and indirect Artifices to destroy our Colony, than any he charge upon us to destroy the English Colonies?

Having ask'd Mr. *H---s* more Questions than he and his Suborners dare positively answer, we come next to deny his Charge upon our Colony, as being malicious and absolutely false; for which their own Declaration shall be our Evidence, and is as follows.

CALEDONIA:

The Declaration of the Council constituted by the *Indian* and *African* Company of *Scotland*, for the government and direction of their Colonies and Settlements in the *Indies*.

THE said Company pursuant to the Powers and Immunities granted unto them by His Majesty of Great Britain, our Sovereign Lord, with Advice and Consent of his Parliament of Scotland, having granted and conceded unto us and our Successors in the Government for all time hereafter, full Power to equip, set out, freight, and navigate our own or hired Ships, in warlike or other manner, from any Ports or Places in amity, or not in hostility with his Majesty; to any Lands, Islands, Countries, or Places in Asia, Africa, or America; and there to plant Colonies; build Cities, Towns or Forts; in or upon any other place, by consent of the Natives or Inhabitants thereof, and not possess'd by any European Sovereign, Potentate, Prince, or State; and to provide and furnish the aforesaid Places, Cities, Towns, or Forts, with Magazines, Ordnance, Arms, Weapons, Ammunition and Stores of War; and by force of Arms to defend

send the same Trade, Navigation, Colonies, Cities, Towns, Ports, Plantations, and other Effects whatsoever; and likewise make Reprizals; and to seek and take reparation of damage by Sea or by Land; and to make and conclude Treaties of Peace and Commerce with Sovereign Princes, Estates, Rulers, Governours, or Proprietors of the aforesaid Lands, Islands, Countries, or places in Asia, Africa or America.

And reserving to themselves five per Cent. or one twentieth part of the Lands, Mines, Minerals, Stones of value, precious Goods, and Fishings, have further conceded and granted unto us the free and absolute Right and property in and to all such Lands, Islands, Colonies, Towns, Ports and Plantations, as we shall come to, establish, or possess in manner aforesaid; as also to all manner of Treasures, Wealth, Riches, Profits, Mines, Minerals and Fishings, with the whole product and Benefit thereof, as well under as above the Ground, as well in Rivers and Seas, as in the Lands thereunto belonging; or for or by reason of them in any sort, together with the right of Government and Authority thereof; as likewise that all manner of Persons who shall dwell in or be born in any such Plantations, Colonies, Cities, Towns, Factories, or Places, shall be, and be reputed as Subjects of the Kingdom of Scotland. And generally the said Company have communicated unto us a Right to all the Powers, Properties and Privileges granted unto them by Act of Parliament, or otherwise howsoever, with Power to grant and delegate the same, and to permit and allow such sort of Trade, Commerce and Navigation unto the Plantations, Colonies, Cities and Places of our Possession, as we shall think fit and convenient.

And the chief Captains and Supreme Leaders of the People of the said Country, in compliance with former Agreements, having now in the most kind and obliging manner received us into their Friendship and Country, with promise and contract to assist and join in defence thereof against such as shall be their or our Enemies in any manner to come: Which, besides its being one of the most healthful, rich, and fruitful Countries upon Earth, hath the advantage of being a narrow ISTHMUS, seated in the height of the World, between two vast Oceans, which renders it more convenient than any other for being the common Store-house of the insearchable and immense Treasures of the spacious South Seas, the door of commerce to China and Japan, and the Emporium and Staple for the Trade of both Indies.

And now by virtue of the before-mentioned Power to us given, we do here settle, and in the name of GOD establish Our selves: and in Honour and for the Memory of that most Anti-

ent and Renowned Name of our Mother Kingdom, we do, and will from hence-forward call this Country by the Name of Caledonia and our selves, Successors and Associates, by the name of Caledonians.

And futable to the Weight and greatness of the Trust reposed and the valuable Opportunity now in our hands, being firmly resolved to communicate and dispose thereof in the most just and equal manner for increasing the Dominions and Subjects of the King Our Sovereign Lord, the Honour and Wealth of our Country, as well as the benefit and advantage of those who now are or may hereafter be concerned with us: We do hereby declare That all manner of People soever, shall from hence-forward be equally free and alike capable of the said Properties, Privileges, Protections, Immunities, and Rights of Government granted unto us; and the Merchants and Merchants Ships of all Nations, may freely come to and trade with us, without being liable in their Persons, Goods or Effects, to any manner of Capture, Confiscation, Seizure, Forfeiture, Attachment, Arrest, Restraint or Prohibition, for or by reason of any Embargo, breach of the Peace, Letters of Mark, or Reprizals, Declaration of War with any foreign Prince, Potentate or State, or upon any other account or pretence whatsoever.

And we do hereby not only grant and concede, and declare a general and equal freedom of Government and Trade to those of all Nations, who shall hereafter be of, or concerned with us; but also a full and free Liberty of Conscience in matter of Religion, so as the same be not understood to allow, connive or indulge the blaspheming of God's holy Name, or any of his Divine Attributes; or of the unhallowing or prophaning the Sabbath Day.

And finally, as the best and surest means to render any Government successful, durable, and happy, it shall (by the help of Almighty God be ever our constant and chiefest care that all our further Constitutions, Laws, and Ordinances, be consonant and agreeable to the Holy Scripture, right Reason, and the Examples of the wisest and justest Nations, that from the Truth and Righteousness thereof we may reasonably hope for and expect the Blessings of Prosperity and Increase.

NEW-EDINBURGH,

By Order of the Council,

Decemb. 28.

1698.

Hugh Ross, Secretary.

We

We dare refer it to the Scrutiny of the nicest Observers, whether this Declaration infer any such thing as *Plunder*, or Patent from the King to pick a Quarrel with the *Spaniards*, and to divide the Spoil of *Mexico* and *Peru*; what clandestine Artifices are here to be found to drain the English Plantations, and wherein does it interfere with the Interest of *England*, any more than all free Ports must of necessity interfere with their Neighbours? We wish that our Author would inform us how publick Declarations according to Act of Parliament can be call'd clandestine Artifices, and defy him and his Suborners with all their art to find any thing pretended to in this Declaration, but what the Colony has a right to by Act of Parliament.

The only thing this malicious Scribler can wrest to his purpose in the Declaration, is the Colony's publishing that all manner of Persons, of what Nation or People soever, &c. should be equally free, and alike capable of the same Privileges with themselves, &c. which are the express Words of the Act of Parliament; and therefore supposing that the said Declaration should have influenc'd some People to come over to them from the English Plantations, the Colony could not in any ways blam'd for it, *Qui utitur jure suo nil damni facit*, a known Maxim in Law.

The Libeller's Malice is not satisfied with reflecting upon our Colony, but flies on the face of the greatest part of the *English* in the *West-Indies*, as if they had so little Honour or Love for their native Country, as to lay their own Plantations desolate, and run over to ours. Indeed if most of them be such Persons as himself, there might be some ground for the reflection; but till it appears to be so, we must beg Mr. *T---s* leave to have a better opinion of them. No Man of sense can believe that those who found themselves at ease in the English Plantations, would be fond of removing to a new Colony; but if others who are at their freedom had a mind to do so, we know of no reason they should be hinder'd. The Subjects of *England* are a free People, and not confin'd to their own Dominions, but have liberty to trade and live elsewhere, if they find their account in it.

There's no man can blame the *Scots* for publishing their Declaration throughout the *West-Indies*, the thing being absolutely necessary in it self, and the natural Practice of all new Settlements to acquaint the World with the nature of their Design, and on what Terms they may have Commerce with them. We hope our Author and his Suborners will not

say that the Subjects of *England* might not have traded with them for their own advantage, provided their Title had been unacceptationable: And saying the *Scots* had reason to think it was nothing of unkindness in them to let the English Plantations know that they should be very welcome to trade to *Darien*; and how this could be done so properly, and with so much effect as by Declaration, our Author would do we to acquaint us.

The Gentleman and his Friends are very angry that we should have made use of the King of *Great Britain's* Name to give the more Authority to the thing. We would very fain know their Reasons, why it is not as lawful for the *Scots* to make use of that Name as the *English*; and at the same time must take leave to tell the Renegado and his *Whitehead* Friends, that all this Venom they have spit at the *Scots* Colony is a virulent Invektive against his Majesty. He impower'd them to do what they accuse them for by Act of Parliament: And because our Antagonists have a mind to say that this *Oedroy*, as they call it, was destructive to the Trade of *England*, they find themselves oblig'd to make an Excuse for the King, viz. that the honest Gentleman meant no harm at the granting of it; for it is to be believ'd, that he could scarce hear what was whisper'd for the noise of the *Namur Guns*, which is in plain English, he gave his consent to he knew not what. A noble Defence, for which his Majesty is oblig'd to them! But Banter and Blasphemy they were fully resolv'd on; and so they had but a Subject, they car'd not what. Nor *Adam*, nor *David*, nay nor the Almighty himself shall escape them; but his Commission to the *Hebrews* when they departed out of *Egypt*, must come in to make up the profane Jest: Thus Heav'n it self shall be charg'd at last with founding Dominion upon Grace, and giving the Elect a Divine Right to the Goods of the wicked, after its being first thrown as a killing Reflection at the Heads of the poor Presbyterians.

*H---*s will needs insist upon it in his Dedication, that our Project on *Darien* was so secretly carried on, that it was not known to *England* till the same Wind that brought the News likewise inform'd the Nation that the *Scots* were march'd over to *Panama*, and had planted 80 Guns against it; but unhappily forgets himself, and tells us, pag. 7. of his Book that *Paterfson* communicated it to some select Heads in *England* that were able to bear it. And we can tell him further, that it was so well known to some in *England*, that they

they sent Capt. Long the Quaker on purpose to prevent us, and to do us all the mischief he could; and accordingly he was on that Coast a month before us, tho' he did not land any Men till afterwards. As for the news of the Scots having planted 80 Cannon against *Panama*; it's the first time we ever heard on't, and therefore must charge it upon the Author amongst the rest of his Forgeries. There was indeed a Report brought over by the *Dutch Gazetts*, which we suppose was inserted on purpose by our good Friends in *Holland*, and to render us odious, that we had plundered *Panama*; but that was a long time after the news of our arrival at *Darien*, and fram'd on purpose, as we have reason to believe, to justify the Proclamations that some Gentlemen at the West end of the Town had sent to the *West-Indies* against us; for we know they can have what they please put in the *Dutch Gazetts*, and that perhaps may be one main reason why they have been altogether silent as to the matter in their own. But that which sufficiently discovers the falshoods of this malicious Insinuation, as if we had a design to attack *Panama*, or any other place belonging to the *Spaniards*, is, Mr. *Paterson's* Letter to his Friend at *Boston* in *New-England* (and sent us thence in print) dated at *Fort St. Andrew* in *Caledonia*; February 18. 169⁸. above fifteen weeks after the arrival of our Colony; wherein he acquaints that Gentleman, That they had written to the President of *Panama*, giving an account of our good and peaceable Intentions; and to procure a good Understanding and Correspondence.

The Letter it self is as as follows.

An Abstract of a LETTER from a Person of Eminence and Worth in *Caledonia* to a Friend at *Boston* in *New England*

I Have received your kind Letter of the 26th of December last, and communicated it to the Gentlemen of the Council here; to whom your kind Sentiments and Readiness were very acceptable.

Certainly the Work here begun is the most ripened, digested, and the best founded, as to Privileges, Place, Time, and other like Advantages, that was ever yet begun in any part of the trading World. We arrived upon this Coast the first, and took possession the third of November: Our Situation is about two Leagues to the Southward of Golden-Island (by the Spaniards called Guarda) in one of the best and most defenceable Harbours perhaps in the World. The Country is healthful to a wonder, inasmuch that our own Sick, which were many when we arrived, are now generally cured. The Country is exceeding fertile, and the Weather temperate: The Country where we are settled, is dry, and rising ground, Hills but not high; and on the sides, and quite to the tops, three, four or five foot good fat Mould, not a Rock or Stone to be seen. We have but eight or nine Leagues to a River, where Boats may go into the South-Sea. The Natives for fifty Leagues on either side are in intimate friendship and correspondence with us; and if we will be at the pains, we can gain these at the greatest distance. For our Neighbour Indians are willing to be the joyful Messengers of our Settlement, and good disposition to their Country-men. As to the innate Riches of the Country, upon the first Information, I always believed it to be very great; but now find it goes beyond all that ever I thought, or conceived in that matter.

The Spaniards, as we can understand, are very much surprized and alarm'd, and the more that it comes as a Thunder-clap upon them; having had no notice of us, until three days after our arrival. We have written to the President of Panama, giving him account of our good and peaceable Intentions, and to procure a good Understanding and Correspondence; and if that is not condescended to, we are ready for what else he pleases. If Merchants should once erect Factories here, this place will soon become the best and surest Mart in all America, both for In-land and Over-land Trade. We want here Sloops and Coasting Vessels; for want of which, and by reason we have all hands at work in fortifying and fitting our selves (which is now pretty well over) we have had but little Trade as yet; most of our Goods unsold. We are here a thousand one hundred Men, and expect Supplies every day. We have been exceeding unhappy in losing two Ministers who came with us from Scotland; and if New-England could supply us in that, it would be a great and lasting Obligation.

A farther proof of the Falshood of this Insinuation is Capt. Pennicook's Journal sent to the Company over *England*, and dated *Decem. 28th*, almost two Months before his Letter to *New-England*, wherein they give an account of the Information they had from several hands, that the *Spaniards* were marching with 900 men from *Panama* to attack them by Land, whilst their Men of War were to attack them by Sea; upon which they did all they could to put themselves in a posture of defence again them, so far were they from any design of marching towards *Panama*.

The matter being so, *H---s*'s Suborners have lost their argument from this Topic also, to justify their proceedings against us.

He goes on to tell us, That *England* had no reason to go to War with the *Spaniards* on the score of our Company, who besides all the Loss of their Trade, must throw away more English pounds (thrice over) than there's Scotch in our Capital stock; and he will leave it to any Man of half an ounce of Politics to find out the Jest on't, save this Hot-headed Author our Colony's Defence.

Mr. *H---s* and his Suborners may please to know, that we neither desir'd nor expected that *England* should go to War with the *Spaniards* on the account of our Company; and had as little reason to expect that a Faction in *England* (for we will not be so unjust as to charge it upon the Nation) should go to War with us on account of the *Spaniards*, before we could be heard in our own defence; we mean that Proclamations should have been publish'd in the *West-Indies*, intreating that the King of *England* has a power to declare that to be a breach of the Peace that is done by the Authority of the King of *Scotland*; that they should thereby forbid their Subjects of *England* to entertain any Commerce with us, refuse us Provisions for Commodities in our distress, except we will bring our Ships under the Guns of their Fort at *New-York*; punish their Subjects for entertaining Commerce with us, and threatening to lay the Commanders of our Ships in Irons if they offer to put in for Refreshment, or to sit after a Storm, as they did to Capt. Jamison at *Nevis*. That this wants very little of going to War with the *Scots*, we believe most thinking men are very well satisfied; but whether it be so or not, we will venture to tell the Renegade and his Suborners, that by this kind of Procedure against the

the *Scots*, as if we were Servants and Subjects to *England*. Some Gentlemen in and about *White-hall* have giv'n the *Spaniards* just occasion to make War upon *England* if they were able, or at least to make Reprisals upon the *English* for the damage they pretend to have suffer'd from the *Scots*, whom the *English* Court by this sort of Treatment, have declar'd to be their Subjects; whereas if they had not invaded the Sovereignty of *Scotland*, the *Spaniards* could have had no such pretence. Now whether men that had been endow'd with a quarter of an ounce of Politicks would have been guilty of such a false step as this, let our Author's Suborners determine. And besides, we must tell them, that the Men whom Capt. *Long* had set ashore with Capt. *Diego* in the Gulph of *Darien*, committed the first Hostility on the *Spaniards*, and kill'd seven of them, with a design, for any thing we know, to trapan us into a War with the *Spaniards*, since one of the same Fellows came to our Colony afterwards for Powder and Shot, which our Men wisely deny'd them, and told them they had done what they could not justify.

The Author of the Defence of the *Scots* Settlement does no where advice the *English* to a War with *Spain* on the score of our Company; but gives such Arguments to prove that they had no reason to dread the Effects if *Spain* should make War with them on that Account, and that it was the Interest of *England* to have supported the *Scots* in that Settlement, as have not yet been answer'd, and therefore we shall say nothing farther of it here.

Our Author and his Friends are pleas'd to call our apprehensions of the Places being possess'd by the *French* bugbear Stories, because the *French* have another Game to play at present with *Spain*, or might have secur'd *Carthagena* when they had it in their Power; and that if *France* or *Holland* had any such design, they may go sit down within a League of either side of our Colony with as good a Title as ours.

But that the *French* are generally wiser than to lay out their Money upon such Tools as this Author appears to be by his way of arguing, one would be apt to think he had touch'd some *Lewidor's*. Does he conceive that the *French* understood their Interest so little during the War that threaten'd their Ruine, as to settle a Colony in the *West-Indies* at a time when they stood in more need of them at home to defend their own Country, and cultivate their Ground and Vineyards? Is it not known that their Design

was

was on the *Spanish* Plate, in order to enable them to continue the War, and not on the *Spanish* Plantations, which they were in no Capacity to defend against the *Spaniards* and their Allies if they had at that time seiz'd any of them? Does our Author and his Suborners think that *L. XIV.* did not understand his Interest better than to offer at a Settlement in the *Spanish West-Indies*, especially at a place of such Importance as *Carthagena*, and thereby have given the *English* and *Dutch* an opportunity of settling there themselves by coming to drive him out? Could he think that the two Nations of *Europe* that have the greatest Naval Force, and were most concern'd of any to reduce him to reason, would sit still and suffer him to seize the *Spanish* Treasures, and by that means enable himself to bring all *Europe* under his Yoke? It is impossible such a thought could ever enter into his mind; and therefore he had very good reason to forbear keeping possession of *Carthagena*, since 'twould have been the ready way to have spoil'd his future pretensions to the *West-Indies* in case of the K. of *Spain's* death, which every body then expected daily. And whenever it happens, if he die without Issue, as there's great odds he will, we stand in need of better Guarantees than *H---* and his Suborners, that the *Fr.* King will not seize the *Spanish West-Indies* and *Darien* into Boot; against which there are those who have studied Politicks as much as our Author, who are of opinion that the Settlement at *Darien* might have been no contemptible Barrier.

The Scribler takes upon him to pass his word for his Majesty that the *Scots* Crown will receive no blemish or disreputation by his wearing it. We believe his Majesty will scarcely thank him for his Security, and we are satisfied our Nation will as little rely on it. But at the same time we must tell this Gentleman and his Suborners, that we had as little reason to suspect that K. *Charles I.* who was a Native of *Scotland*, would have dishonour'd our Crown so far as to order it to be brought to *England*; and therefore it is not impossible for Princes to be over-persuaded by ill Council, to do such things as are inconsistent with the Honour of their Crowns. And thus some will venture to say, that the Crown of *Scotland* was no ways honour'd, when the *Dutch* Troops took place of the King of *Scots's* Guards; and when the King of *England* takes upon him to condemn by Proclamations what the King of *Scotland* has approv'd by Act of Parliament and Letters Patent.

The

The Scribler comes next to give us a taste of his Skill in the *British* History he brags of so much, by telling us the Fate of some great *Scots* Families that swell'd beyond their Proportion. His Instances of the *Cummins* and *Gouries* sufficiently discover his Ignorance of the *Scottish* History. The former was indeed a very great Family, but are an inauspicious instance for him and those of his kidney, their ruin not being occasion'd by their Greatness, but by joyning with the Enemies of our Nation as this Renegado does.

As for his Application of his Instances, it serves to discover the malicious Designs of himself and Suborners against the two greatest Families that are now left in *Scotland*. The kind treatment this Author met with from one of these great Men upon his arrival, after having deserted our Colony, would have oblig'd any but a Monster of Ingratitude to have forborn such a causeless and invenom'd Reflection, which nothing but ingrain'd Malice can suggest.

We come in the next place to take a view of the Book it self. In the very first Page he owns *he is no Friend to the Scots Company, and alledges he has more reason for it than those Skeletons that are starved to death.* This we hope is sufficient to shew what credit is to be given to his Narrative, wherein tho' he promises to keep close to matter of Fact, he abounds with blasphemous and impertinent Digressions: One of the first we shall take notice of, is his unmannerly Reflection on the City of *London*, pag. 3. *as a place where Matter is never wanting to exercise plodding Heads.* Which is so near kin to the Language of the Faction that in the late Reigns aim'd at the destruction of that Noble Emporium, which deserves to be the Mistress of the Universe, that we cannot in the least doubt but it proceeds from the same Spirit. Of the same nature is his reflection, pag. 7. upon the *London* Subscribers, who came in so fast to the *Scots Company*, *that he thought himself the happiest man that could get his Name first down in our Books:* Which is a plain demonstration that those eager Subscribers thought the Design no way prejudicial to the Interest of their Country; for upon enquiry it will be found, that most of them were such as had zealously appear'd for its Liberty in former Reigns.

His malicious Reflection in that same Page, as if the Company had promis'd 20000 *l.* to *Paterson*, *Smith*, and *Lodg*, to engage Subscriptions in *England* and the *Hans-Towns*, is notoriously false: They had not one Farthing promis'd them, tho' to be sure the Company would have rewarded them for their

their Pains and Service, as it was reasonable they should; besides, it appears by the eagerness of the *English* and *Hamburgers* to subscribe, until they were prevented by their respective Governments, that there was no occasion for such a bribe to bring in Subscriptions.

His Reflection, pag. 8. of our printing the Address of the Commons at *Edinburgh*, but not the King's Answer, admitting it to be true, is so far from being criminal, that it rather argues the greatest respect imaginable for his Majesty, whom we would not lessen in the esteem of the People of *Scotland*, who knew they had a natural Right to claim and expect his Protection. His owning in that same Page, that the Company's Books had not been long open'd in *Edinburgh* all 40000*l.* was sign'd, and that all sorts of People (whom he is pleas'd to express under the scurrilous denomination of poor, blind and lame) crowded in with their Subscriptions, serves to Confute his foregoing and following Reflections, that the Company was obliged to promise 20000*l.* to procure Subscriptions, and to go where the Money lay, viz. to *Holland* and the *Hans-Towns*; especially since he owns himself, p. 19. That they were baulk'd of their Subscriptions in *England* and *Holland*, and had not one Groat of the *Hamburgers* Money.

His Reflection upon Mr. *Paterfon*, pag. 8. whom he asphensomously calls the *Man Paterfon*, alluding to the Apostles calling our Saviour the *Man Christ*, is altogether false: He always propos'd the paying half the Subscriptions, and most of the Subscribers were resolved to pay the whole; as it appears they have already a considerable part of it, by their having sent away three Convoys, and being busy in preparing a fourth. His Irreligious and Atheistical Temper appears further by his reflecting upon their expecting good Returns by the *old Cant* of *God's Blessing*, as if it were possible to look for Success in any thing without the divine Benediction, or ridiculous to express our dependency on it. But it seems his Suborners are resolv'd that our Nation shall be huff'd, banter'd, and blasphem'd out of all their Rights as Men and Christians.

His next Reflection, p. 9. of our sending Persons to build six Ships of fifty Guns apiece at *Amsterdam* and *Hamburg*, to repossess the *Dutchmen* with a kind opinion of the Company, and thereby make it appear how willing we were to extend the warm Rays of our Ostray to people who deriv'd it better than our ungrateful Neighbours, is malicious

to the highest degree. He and his Suborners very well knew, that we could neither build nor buy in *England*, because of the opposition made to us there; and since 'tis known that they can build cheaper in *Hamburgh* and *Holland* than in *England*, our offering first to lay out our Money with our Neighbours, and not going beyond Sea till we were compell'd to it, is a proof from his own Mouth, that we had no other but friendly Intentions towards the *English* Nation.

His Insinuation of the Difference betwixt the Kirk and Church Parties, about each of them employing their own Instruments, shews more Malice than Wisdom; since admitting People of different Perswasions into Companies is practised in all trading parts of the World, and particularly in *England*, where the Dissenters have no small share in all their Funds and Companies: but by this they may see what fair Treatment they are to expect, if *H----*s and his Suborners could get their wills. The old Popish Maxim would soon be brought into practice, that no man should have Leave to buy or sell, but he that is of the publick Religion.

His next Story of our debate about entrusting any man that was fed on *English* Beef and Pudding with 20000 *l.* for the use of our Delegates abroad, is equally scurrilous and false. We trusted no man but Mr. *Paterfon* with that Money, and did not think it fit that every Subscriber, but that only a special Committee should know how that Money was to be employ'd. Nor can this be charg'd upon us as a piece of foolish Confidence in Mr. *Paterfon*, whom the Scribler owns *P. 4.* to have been intrusted with laying the Foundation of the Bank of *England*, tho ill rewarded for it. His malicious Calumny, that Mr. *Paterfon* did afterwards form the *Darien* Project to be reveng'd on the *English* Nation, is sufficiently falsified by his and our first Offers to take in the *English* as joint Subscribers, after the said Project was actually form'd, and imparted to some select Heads, as he himself owns *P. 7.*

As to *Smith's* cheating us of 8500 *l.* it was our Misfortune, not our Crime, as is manifest from our Diligence in recovering 4500 *l.* of it. This Renegado's saying in *P. 11.* that *Smith* deservedly bumbled us, argues himself to be as great a Cheat as *Smith*; and there's little reason to doubt, but he defrauded the Company as far as opportunity would allow him, when intrusted as Purser with their Stores from *Hamburgh*, and elsewhere, which he seems to own himself when he boasts of his bringing home as much Gold-dust from *Darien*, as any of the Counsellors-*P. 149.*

His

His Assertion P. 14. that Capt. Gibson was cheated of the *per Cent* Commission Money, is a shameless Falshood; the Captain was satisfied, and rewarded to his content.

The next proof we have of the Ingenuity of this Renegado and his Suborners, is P. 15. where he tells us that *Pater-son* being in Drink, babbled out a Secret of the Company at *Amphire*, viz. That their *Act* empowered them to give *Com-missions* to any kind of People (without asking their Nation) to trade to the Indies under Scots Colours: and that such People might dispose of their India Goods where they pleas'd, provid-
ing they made a *sham Entry* in Scotland. To say that this was Secret of the Company, and in the same breath to inform the World that Mr. *Pater-son* said, they were impowered to do so in their *Act*, which was every where publick, and in print, like the rest of the Libeller's Inconsistencies: But his Suborners and he were so far transported with Malice, that they resolv'd to dress our *Act* of Parliament throughout in the disguise of a Cheat, and charge it upon the Company as secret Intrigues, without ever considering that the *Act* it self would discover their Falshood and Malice. The Clause of the *Act* is as follows: "And that the said Company may, by virtue hereof, grant and delegate such Rights, Pro-perties, Powers and Immunities, and permit and allow such sort of Trade, Commerce, and Navigation into their Plantations, Colonies, Cities, Towns or Places of their Possession, as the said Company shall from time to time judge fit and convenient.

These being the very words of the *Act*, the *Dutch* could not be impos'd upon in that manner by Mr. *Pater-son*, if he was so minded; or had he been drunk, as the Libeller says, when he told the story, they must have been very weak men, that would offer to sign upon the words of a drunken man, without seeing the *Act* it self. It is not to be doubted but this Clause impowers the Company to allow such a Trade as *H--s* mentions; and therefore it might be proper enough for Mr. *Pater-son* to urge it as an Argument to engage Subscribers: But that he could do it in these terms that *H--s* here sets down, there's no ground to believe; and therefore his Answer to those that would not sign but on that bottom, that the Company had no occasion to make use of that Power at present, was very proper. The Story of the *sham Entry* in Scotland, paying 3 *per Cent.* to the Company, and thereby underselling the *English* and *Dutch* *per Cent.* is so void of all sense, that it would seem the Libeller

Libeller and his Suborners were drunk when they suggested it. The Act does indeed oblige such Ships as were employ'd by the Company to break bulk in *Scotland*, but lays no such Obligation upon those that they might empower to trade to their Colony; And considering what has been already said of the Drawbacks, that the Cargo of the said Ships was Custom-free no where but in *Scotland*, and that by his own concession they were to pay 3 per Cent. at least to the Company, how was it possible they could undersell the *English* and *Dutch* 17 per Cent. especially considering the vast Quantities that those two Companies buy at a time, and by consequence were like to have the prime Cost easier than our Infant Company?

After all this sham Story, he happens to tell the main reason of the Miscarriage of our Design in *Holland*, and perhaps of its doing so in *England*. The Dutch East and West India Companies, says he, complain'd to the Lords of Amsterdam that the Scots Commissioners were designing the ruin of their Trade. Which by the way shews that the Project of an American Trade was discours'd of by the Commissioners; which the Libeller, it's probable, would not have mention'd, had not his Memory, given him the slip, and that he forgot he had formerly told us that the *Darien* Project was still kept secret. Why then should the *Dutch West-India* Company be so much concerned at our taking Subscriptions there, but that they knew we had a design on the Isthmus of *America*? and therefore their *East-India* Company knowing also, that we being once Masters of a good Settlement there, it would have a bridg'd the way, and made Voyages speedier to *China*, *Japan*, the *Philippine* Islands, &c. where their Trade lies, they thought it might in time be dangerous for them, if that Isthmus should be possess'd by the Subjects of *Great Britain*. So that there's no reason to doubt but they found Interest enough at the West end of the Town to lay as many rubs in our way as was possible to be done.

P. 17. The Libellers give us another Evidence of their Candor and Ingenuity, when they tell us, The *Hamburgers* "knew nothing of *Darien*, but builded altogether on Ships "laden with *India* Goods, whereof their City and Port was "to be the Receptacle and Mart, whilest *Paterfson* wanted "only Money to raise Forces to overrun *Mexico* and *Peru*. But our Author and his Suborners ought to have consider'd, that since they have told us of the Fears of the *Dutch West-India* Company, we could easily Infer that the Project

est of the *Isthmus* could not be long conceal'd from the *Hamburgers* : That the Act it self would satisfy the subscribers there, that the Company's Ships must break bulk in *Scotland* ; and therefore they could not expect to be the Receptacle and Mart of our Stores : whatever they might hope for as to conveying the Merchandize to Inland Places of *Germany*, they could not but think that we had Shipping of our own to carry our Goods to the Ports on the *Baltick* and *German Sea*.

In that same Page they give us another hint to confirm our suspicion that it is more from the apprehensions of our lessening the *Dutch* than the *English* Trade, that the Court was so violently oppos'd us. viz. ' that the *Hamburgers* by joining with the *Scots* had a prospect of worming the *Hollander* out of a good part of the *German* Trade. Which admitting to be true the *Hollanders* had none but themselves to blame for it, since we offer'd to take them in as joint Subscribers before we made any Proposal to the *Hamburgers* ; or is it any ways unreasonable in it self that *Germans* should give the preference of other Nations in trading with *Germany* After a great deal of prophane Banter and ridiculing the faded Text, he tells us that the Human Reason of our Disappointment was an unnecessary Paragraph in our *Oétroy*, which occasion'd a great many *English* and *Holland* Speculations, viz. that in case the Company should be interrupted in their Trade, &c. the King had engaged to interpose the Royal Authority to do them right, and that at the public Charge ; which, says he, *Paterfon* and the rest insinuated in all Companies, That the King was to assist and defend them with his Ships of War, or otherwise, if there was occasion, and that out of his own Pocket, which they did not mention to be *English Coin*.

There's no reasonable Man will think it unnecessary that a Prince should protect his Subjects in their Trade, either by his Men of War or otherwise ; and therefore this being a Clause in the Act of Parliament, it was no ways unnecessary to be put into the Patent : and we will adventure to tell *H--* and his Suborners, that they who advis'd his Majesty to refuse our Company the three Men of War built at our own Charge, when they offer'd to be at the expence of maintaining them, have advis'd him to act contrary to the Trust repos'd in him by the King of *Scots*, and to contravene this very Act of Parliament, and that which order'd those Ships to be built for defence of Trade ; than which there cannot be a more false step in Government : for when once People perceive that

Princes have no regard to the Laws made for the protection and welfare of the Subject, they will naturally think themselves absolv'd from such as require their Allegiance, and support of the Sovereign. That Mr. *Paterfon*, and the *Scots* Company should insinuate from the *Oe'troy* that we were to be assisted or defended by *English* Men of War or Mony is nothing but a mixture of Falshood and Malice. The Libeller owns that the Words of our Act cannot bear it, and the World knows that our Parliaments never pretend to dispose of *English* Ships or Money; and therefore no man of sense will believe this Renegado, when he says the *Scots* Company put that Gloss on the Text for their own advantage, since that had been directly to expose themselves, For we are not to suppose they could think the *Dutch* and *Hamburghers* so weak, as not to peruse the Act it self, which would soon have undeceived them: Therefore all those Reflections which he pretends the *English* Traders of *India* made upon it, must vanish of course, as having no manner of Foundation.

Much less can they serve to justify the Memorial given in at *Hamburgh* by Sir *Paul Ricaut* against our taking Subscriptions there: Which Memorial, tho' minc'd by our Libeller yet ev'n as he here presents it, is against the Law of Nations, and indeed scarcely reconcilable to good sense; in the first place to call our Agents private Men, who acted by the Company's Authority, and according to Act of Parliament; and in the next place to suppose that the *Hamburghers* could possibly join with us in hopes of *English* Protection, when the Opposition made to us by the Court of *England* was known all over *Europe*: nay the Scribler himself owns, P. 17. That the more Opposition the *English* and *Dutch* offer'd to the Project, the more the *Hamburghers* thought it their Interest to embrace it. This is sufficient to convince the Suborners that the next time they hire a Scribler to belie the *Scots* Company, they must be sure to pitch upon one that has a better Memory.

His next Reflections P. 22, 23. That our Ships were neither fit for Trade nor War, that our Cargo was not proper, that our main Design was the *Buccaneer Trade*, that above 10000 l. was deficient of the first Payments, and most of the Subscribers not able to raise their Quota, are equally false with the rest. The Ships for their Burden and Size, are as fit either for Trade or War as any in *Europe*. The Cargo of Cloth, Stuffs, Shoes, Stockins, Slippers, and Wigs, must needs be proper for a Country where the Natives go naked for want of Apparel,

arel, and fit to be exchanged for other Commodities, either in the *English, Dutch, French, or Spanish* Plantations. For Bibles we suppose our Libeller would rather we had carried Mass Books; yet others will be opinion, that 1500 of them was no unfit Cargo: Our own Colony might have dispens'd with that number in a little time; nor were they unfit to have been put into the hands of such of the Natives, especially of the younger sort, that might learn our Language. For Hoes, Axes, Macheet Knives, &c. they were absolutely necessary for our selves, and a Commodity much valued by the Natives, Fifteen hundred square Buccaneer pieces, and proportionable Ammunition, was no such an extraordinary Store for eleven or twelve hundred Men: and whereas he maliciously insinuates that Buccaneering was our main Design, the Event hath prov'd it to be false; had that been our intent, we might easily have invaded the *Spanish* Plantations at both ends of the *Isthmus*; *Sancta Maria*, nor *anama* it self, could never have been able to withstand such force, when a few undisciplin'd Buccaneers did so easily take them, It's well enough known there was a parcel of as brave Men that went with our Fleet as perhaps *Great Britain* could afford, many of 'em inur'd to War and Fatigues, and knew how to look an Enemy in the Face without being daunted. They had giv'n proofs enough of that in *Flanders*, where 50 men alive could fight with more Bravery and Zeal than they did for the Common Cause, tho some People have since thought fit to starve them. That there was above 20000 *l.* of the 100000 *l.* not paid in, is false; there was not above 2000 *l.* wanting. For those great Men thought their maintenance enough, and therefore refus'd to pay in their subscriptions, he shall have our leave to name them; but perhaps his Suborners will not care to have their Friends so much expos'd. That most of the Subscribers were unable to raise their *Quota*, is demonstrably false, by our sending away two Convoys since, the thirds being greater by far than the first, and that we are now preparing a fourth. As to the Companies charging 25 *per Cent.* advance on every article of the 19000 *l.* Stock, it's well enough known that so much Advance is thought nothing in a *West-India* Trade; it was all the profit the Company was to have, and only charged in the Books by way of Formality, that the Colony might know what they were indebted to the Company.

His Story, p. 23. of its being propos'd in the Company to sell off their Ships and Cargo, and divide the Product among the Subscribers, is nothing to our dishonour, nor at all to be wondred at, considering the unreasonable opposition we had met with from Court. That we rejected it as inglorious, argues still that we are not so mean-spirited as he elsewhere represents us. His base Reflections, p. 24. on the Company as if they had despair'd of the design, and sent their men to Sea on purpose to perill; and on Drummellier, that he order'd the Colony to get Money honestly if they could, but be sure to get it; and if they came home without it, then the Devil get them all, serve only to discover his own Temper, and that he thinks all Men act and speak like himself. We have said enough already to demonstrate the Honesty of both Company and Colony: Had their design been to get Money without regard to Honesty, they would not have been starv'd to death by the Proclamations, and other opposition made them at Court; they could quickly have possessed themselves of the Spanish Mines, which the Scribler owns, p. 164, were within twelve Leagues of them, and with much more ease of the 40000 *l.* that was sunk in the French Ship. But he serves the Suborners for their Money much at the same rate he did the Scots Comynay.

His Reflection p. 25. that Mr. Stratford was oblig'd to arrest our Ships at *Hamburgh* for 800 *l.* *Flemish*, as they were sitting out, serves only to discover his own malice and folly. Mr. Stratford had very good Security for 800 *l.* *Flemish* when he had four Ships in Port not yet fitted out; and his receiving his Money in a fortnight or three weeks, as the Libeller owns in the same Paragraph, shows he had no ill Paymaster to deal with. It were well for *England* if all those that have been employed in the Royal Navy could say as much by his Suborners and their Friends. As for our discharging Mr. Stratford to be any longer our Cashier, there's no need of assigning any other Cause for it, but that Sir Paul Ricaut's Memorial render'd it needless; and to that same account we must charge the two Ships that were left there to rot in their Quie, But at the same time we will tell him we had no great reason to be satisfied with Mr. Stratford's Conduct, and believe we have less now than ever since this Libeller defends him.

His Story p. 26. of Mr. Henderson's arresting another of our Ships for 3000 *l.* is sufficiently answer'd by himself, when he tells us, that he and his Partners fail'd in their Subscriptions.

tions, which was a just debt due to the Company, and therefore they had reason to demand and expect it, especially he being a *Scots-man*: Yet the Company dealt very kindly with him on that account; and so much the more, that they consider'd his being a Residenter in *Holland*, where he was liable both to the *English* and *Dutch* Court, to whose account the Libeller must also charge this Affront, and the Loss we sustain'd at *Amsterdam*.

What he says of our Seamen, p. 27, 28. is a manifest untruth. They were immediately paid, extremely well satisfied; and we had such choice of able Seamen who were willing to go in the Expedition, that we turn'd several altho' after they had embark'd, as having no occasion for them. As to his Reflection on Mr. *Robert Blackwood* for pinching them of their Wages, and p. 46. for cheating them as to their Provisions; that Gentleman is now at *London*, where we leave H---s and him to account for it. We doubt not but Mr. *Blackwood* may have Justice done him in *Westminster hall* if he thinks fit to sue for it; but so much we think our selves oblig'd to say in his Vindication during his absence, that he was never charg'd with any such thing by the Company.

His next Reflections on the Transfer, p. 29. by which he would impose on the World as if it had been a Trick of the Company to cheat the Seamen of their Wages, are so much the less to be credited, that he himself is a Party, and commenc'd the Suit he talks of in *Doctors Commons*; which tho' that Court may perhaps have determin'd in his favour, because the Bargain was made with him in *London*, and those that made it were on the Spot, and for other Causes best known to themselves, it is nothing at all to the matter in hand; our Courts have no reason to take them for a Precedent, and our Company has as little to allow the Libeller any Wages.

But to come to the Transfer, which he so foully misrepresents. It was so far from being a clandestine practice, that it was agreed on in publick Council, and but highly reasonable that the Colony should be accountable to the Company for the Stock they intrusted them with. The Libeller only betrays his own Folly and Malice, and imposes upon his Suborners, when he says the Gentlemen who gave their Joint Bond to the Company for 70000*l.* were not worth so many English Pence; for, admitting they had not been worth one Penny of personal Estate, they were intrusted

by the Company with 19000*l.* Cargo, Ships, and Provisions, &c. to make it up 70000*l.* which was not charg'd upon them as their personal Debt, but upon the Colony as a Corporation, till the same was paid. What he says as to the Seamen is a malicious Untruth. It was indeed agreed that the Colony should pay them; but if they did not, the Company was to do it: And besides, the two months advance which the Libeller owns was paid them, the Company was to pay to them, or to those that had their Powers, or Letters of Attorney, a Month in six, and have accordingly paid them. As to the Seamen being made believe that as soon as they had set the Landmen on shoar, they were to proceed on a trading Voyage, and return to *Scotland* to be paid, it is equally false, they being to stay out whilst the Company pleas'd.

Then as to the Transfer in general, it was so far from being clandestine, or a Trick, that the Company was empower'd to make it by the Act of Parliament which gave them their Original, as any Person may see by turning to the Act it self, vvhich authorizes them to *transfer their joint Stock, or Capital Fund, or any Estate real or personal, Ships, Goods, &c. belonging to the Company, under such Restrictions, Rules, Conditions, &c. as the said Company shall by writing in and upon their Books, &c. appoint,*

As to the Landmen, vvhom he vwill also have to be impos'd upon, they knew vvhath they had to relie on, and were very vwell satisfied vwith it; and as to the Companys levying Soldiers under the Notion of Planters, vwithout asking leave of the Privy Council, admitting it to be true, they are not at all to be blam'd for it, since they had no reason to think that the Faction at Court, which had contraven'd Acts of Parliament by opposing their Subscriptions, and denying them the Men of War built for the protection of our Trade, would allow them to levy Soldiers under that Name. But the truth of the matter is this, they were really design'd for Planters, and not at all for Military Business; tho' it was highly necessary the Colony should have as many Officers and disciplin'd Men as they could, that they might be the more able to defend themselves in case of Attacke: And therefore his railing against the Colony for offering to punish Deserters and other Criminals, *pag. 31.* only discovers his own ignorance and malice; for by the Act of Parliament they had the whole Power, Civil and Military, confer'd upon them, and accordingly might exercise their

Power

Power upon all Persons belonging to the Company as they saw cause ; so that this is again a libelling of the Act of Parliament thro' the Company's sides.

His Representation of the seven Men chosen for Counsellors, page 34. is false and malicious to the highest degree. The liberty given to add other six to those seven, was not, as he spitefully insinuates, for *English* or *French*-men of Substance that should join them from the *West-India* Plantations, but for such of their own number as they might think fit to assume afterwards. It cannot once enter into the thoughts of any man of sense, that the Colony should at first entrust Foreigners, and especially *French* Papists in their Government, or that the Company had any design they should do so ; but he and his Suborners think it their Interest to make us odious to the *English* and *French*, by accusing us of a design to drain their Colonies.

As to Mr. *Paterfon*, whom he hath all along abus'd, he happens now thro Inadvertency to vindicate him from his own Calumnies ; he formerly charg'd him as being Partner with *Smith* in cheating the Company of 8500 *l.* and now he tells us that Mr. *Paterfon* was brought to this *Dilemma* either to go aboard the Fleet bound for *Caledonia* as a Volunteer, or to go to Prison at *Edinburgh* for Debt ; which, had he cheated the Company of so much Money as this Libeller pretends there had been no occasion for, he might have paid his Debts, and gone where he would : and besides, the Scribler vindicates the Company at the same time from his former Charge of their being bewitch'd by *Paterfon's* golden Dreams, &c. for had they relied so much upon him as the Libeller alleges, they would never have shew'd that indifference for him which here he ridicules him with. Such has been the hard Fate of the Suborners, that their Tool has not the sense to make his Evidence consistent, but every where cuts his own Throat by self contradictions.

To sum up the Matter according to the Libeller's own Evidence. In the Council there were some Men of Quality, that had been bred to the Sword and the Law, others had been Officers both by Sea and Land, and some that had gain'd Experience in Merchandizing, and several Trades.

His Banter on the death of the Ministers and Blasphemous abuse of Scripture, P. 37. smell so rank of the Atheist and Libertine, and do so evidently prove that he hath lost all sense of Humanity and Religion, that we are satisfied it will do his Masters and their Cause more hurt than Service ; and therefore we pass it over.

The next Proof we have of his Falshood and Malice, is his long Story about Mr. *Waser*, from Page 38 to 45, wherein he does so blend Truth vvith Falshood, as shevvs he had a mind at any rate to bespatter the Reputation of the Committee. of the Company: the said Committee knevv nothing of those Gentlemens treating vvith *Waser* at *London*, till they acquainted them vvith it, and it vvvas only upon their Recommendation that they sent for him: As to their Collecting any Guineas at *Pontack's* for Mr. *Waser*, it is altogether false. The Articles vvvere dravvn by Mr. *James Campbell* the Merchant, now in *London*, and wrote by Mr. *Fitz-Gerald* an Irish Merchant, who both can testify that this Matter is foully misrepresented; for Mr. *Waser* had an Alternative propos'd to him, which he agreed to, viz. to have so much if the Company thought fit to employ him, and so much for his trouble and pains if they did not; the Company was so far from standing in any need of his Book, that they had a Manuscript of it before ever they saw him, which was altogether unknown to the Gentlemen that treated with him at *London*; this he himself knows to be true, and that to his no small surprize, they repeated several Passages out of it to him, and indeed the Manuscript is more particular than his Book, whatever Cause he hath since had to make any Alterations in it we know not. The Company upon the whole, finding that he could inform them of no thing considerable more than what was in the Manuscript, and that he could do them no great Service, left him at his Liberty to publish his Book when he pleas'd, gave him about 100*l.* first and last for his Pains and Expence, with which he was very well satisfied, and hath declared several times since that the Company dealt very honourably with him, tho' Mr. *H---*s took a great deal of pains to make him publish a Memoir to the contrary, which by his honest Friend Mr. *Fitz-Gerald's* Advice he desisted from doing. As to the Libeller's malicious Insinuation that they had no further Service for him when once he had discovered the place where the *Nicaragua-Wood* grew. It is absolutely false, for the Manuscript they had was very particular in that. This Mr. *Waser* knows to be true, and if he have but a just resentment, he is equally concern'd to vindicate himself; for, the Libeller reflects as much upon him as the Company, when he charges him with putting a Cheat upon them, as to their *Nicaragua-Wood* P. 44. which *H---*s says he and others went in search of for several Miles along the Coast, but could find

none

one; and yet he magnifies *Waser's* Freedom, and being ingenious by informing them so particularly, as to the place where the *Nicaragua-Wood* grew, *P. 41.* So perpetually does this malicious Libeller contradict himself. — As to the other parts of his Story of Mr. *Waser's* being conceal'd near *Haddington*, and afterwards at *Edinburgh*; it was no more than what Prudence would have directed any Men to do in the like Circumstances: The Company not knowing till after having discours'd him whether he could do them any service or not; it was not their Wisdom to expose him to publick View; and having found that he could not serve them, it was equally prudent in them to keep him at an uncertainty as to their design; they being under no obligation to acquaint him with it. As to the Story of Admiral *Bembo's* waiting their motion; if they did say so, the Event hath made it but too probable; he hath waited so long in those parts till our Colony hath left *Darien*: What Orders he had concerning it, or what Part he hath acted in it, Time must determine; but if all that we have heard of large Bills being return'd him, and of his Offers by his Sloops to draw our Men from our Colony be true, there's reason to suspect that he was sent thither with no design for our advantage: However that may be we know not; but this we know, that if our Enemies at Court had been as zealous to protect us as they have been to ruin us, the Admiral would certainly have had Orders to have made Reprisals on the *Spaniards* for detaining Capt. *Pincarton* his Ship and Men, contrary to Treaty with the King of *Great Britain*, when forc'd ashore by Storm under the Walls of *Carthagena*.

He tells us, *P. 45.* "That two thirds of the Provision were spent ere the Fleet sail'd, that there was none to be had in *Scotland* at that time, and if there had, there was no Money; the 100000*l.* being sunk, and the Company's Credit not worth 2*d.* and that they had stuck there, had it not been for some few Pillars of the *Scots* Company who mortgag'd their Estates; for which the Company made over three of their Ships to them for their Security.

That there was no Provisions to be had then in *Scotland*, will readily be allow'd him, is sufficient to answer all his malicious Clamour against the Company, and to confute his own Objection, *P. 155.* in defence of his Masters, against the Company, for not sending them Provisions. That there was no Money, and that the Company's Credit was not worth

worth 2 *d.* is confuted by himself, when he owns that a few of the Pillars rais'd 5000*l.* and took three of the Company's Ships for Security. For that a few of the Pillars could raise 5000*l.* and the Company have three new Ships, or of them of 70 Guns to give for Security; and yet the Company's Credit not to be worth 2 *d.* is a palpable Contradiction.

That any of the Company Mortgaged their Estates to raise Money, is false; they advanc'd it on their own Credit, as they might well do, it being well known there are several of them who have as much yearly Estate as the Sun he speaks of: Nor did they desire the Company's Ships in security, but only a Bond which it was reasonable they should have.

He comes next to give an Account of the shortness of the Provisions, *P.* 46. and of his own Honesty in the meantime, in not acquainting the Commadore with it till they were three days at Sea; perhaps he had embezel'd them himself, or Pocketed some of the Money, for he owns that he had some time before been concerned in the Victualling part, and therefore dar'd not to say any thing of it on Shore, lest it might have been prov'd upon him; but however that is, this we are sure of, that the Company had Letters from their Ships at the *Maderas*, that they had Twelve Months Provisions of all sorts, at sharp Allowance, and that if any thing fell short, it was likely to be their Bread: That they thought this to be true, may be reasonably concluded from his own Narrative, where he says the Council upon his Representation, design'd to send an Express from the *Orkneys*, to acquaint the Company with the shortness of their Provisions, which to be sure they would have done, had they been sensible that they were so short as he alleges: Besides, he owns they had other things in proportion.

The Reason they had no more Beer but Ten Tun, was that the Seamen could not depend on the Beer because it spoils, they had great store of very good Water, and a very great quantity of Brandy which the Libeller takes no notice of. As for the Company's promising them Credit at the *Maderas*, it is false; nor was there any need of it, they had Pipe Staves and other Goods, which were thought proper for the *Maderas*, but if it did not answer so well as 'twas expected, 'twas but the common Misfortune of Merchants, who many times meet with such disappointments. Nor is it to be expected that a Nation of so little Experience

Trade as ours, should at first setting out, be free from mistakes or Mismanagement, especially since we have such vector Enemies to deal with, who make it their business to get ill Men amongst us every where, on purpose to break our Design.

His next Reflection is on the small Allowance of Ready Money, which is sufficiently answer'd when we tell him their Cargo was reckon'd instead of it, and as has been already said, must needs be conceiv'd to be very proper for a country where People go naked for want of Apparel. They had a great deal of Butter, and excellent Beef, of Scots breed, by which we gain'd an Experiment contrary to the common Notion; for upon trial it was found to be better than the Irish, and therefore our Men resolv'd to keep it so. His Objection as to its having been Eighteen Months Salt is frivolous. Seamen think nothing of that, when they can carry Beef to the *East Indies* and back again, and keep it good all the while. His Charge upon *Drummelier* having bought damnified Wheat for their Bread, and put the Money in his Pocket, is malicious and false: There's no Man but one of the Renegadoes Temper that can suspect that Worthy Gentleman to be capable of any such thing. Besides, the Bread was extraordinary good.

His Story, p. 50. about *Crab-Island*, is false; the Company gave no positive Orders to leave any Men there, and is equally false that the *Danes* prevented our taking Possession of it, our Men were there before the *Danes* came from *Thomas*, the Governour of which suspecting our Design, upon the arrival of the *Unicorn* there, sent an Officer and fifteen Men to Assert the King of *Denmark's* Right, after our Men went off from the Place, they saw the Danish Sloop in another Bay of the same Island call'd *French-Man's Bay*, and a Tent ashore with Danish Colours on it; upon which Captain *Pennicook* Landed again, told them we were Possessed before them, against which they offer'd their Protest to please the Court of *Denmark*, but wish'd with all their hearts we might settle there, for we should be a good Bulwark to them against the Spaniards of *Porto-Rico*, who are very troublesome Neighbours.

It is false what he says p. 54. That Captain *Andreas*, after looking upon us at first Landing, did not come near us in three or four Weeks, for he came aboard us at first with some of his Men on the 2d of *November*, and brought his travelling Wife with him on the 3d of *November*, when he came

came on Board again, and was very well satisfied with us and on the 10th of the same Month, he and his Son, Wife and Sister, Din'd on Board us. And on the 30th of November he was invited on Board, handsomely Treated, and after having given a Rational Vindication of himself, as to the Matter suggest'd against him by the other *Darien* Captains or Princes; and being inform'd of our real Design, which before he suspected to be Piracy, he desir'd a Commission from us, which was readily Granted and cheerfully Accepted; and he solemnly promis'd to Defend us to the last drop of his Blood. That his Commission was left behind him in the Locker of the Round-House, cram'd in amongst empty Bottles, we have nothing but this Renegado's Word for it. But admitting it to be so, it does not therefore necessarily follow, that it was left there by *Andreas*, or his Order; it is not to be suppos'd that a Person of his Note, could creep into the Round-House undiscover'd: And perhaps it may be no unreasonable Conjecture, to think that it was stole from him, and lodg'd there by this Renegado; for he owns that it was himself that found it, and he knows the Proverb, *He that hides knows best where to find.*

His Story about *Andreas's Exit*, P. 60. That he fell, or was thrown down the Main Hatch-way of the *Caledonia* in the Night time, after a Quarrel with *Ambrosio*, the greatest of those *Indian* Captains, has such an Air of Malice and Falshood, that it requires better Evidence than that of a self-contradicting Libeller, before it can obtain belief with any Rational Man, or allowing it to be true, that he was actually tumbled down the Hatch-way in the Night time, it looks more like the Practice of such a Quarrellome ill natur'd Person as himself, than of any Body else. They that know his Behaviour to his own Captain, when he was Surgeon on Board one of the King's Ships, his quarrelling with Captain *Pennicook*, Commadore of our Ships that went to *Darien*, and the whole Tenor of his Conversation, cannot think this any uncharitable Reflection. His unnatural Rancor against his Native Country, and unbounded Malice against the *Scots* Company, make it probable enough that he might do such a thing on purpose to render the Natives Enemies to the Colony, which he deserted himself about a Month after: And this is so much the more probable, because he exclaims against those on Board, for not taking care of *Andreas*, nor letting him bleed after his fall, since none was so proper to do it as himself, who was a Surgeon, and on Board the Ship at the time. It

It is needless to insist any further on his Train of Falshoods and Inconsistencies in his Account of the Country, which being contrary, not only to all that have wrote of it, but also to the Journals and Letters sent from our Colony. We have better reason to say, that his Description is Calculated to the Humour of our Enemies, and his Suborners, than that the Colony's and Mr. *Waser's* Accounts were Calculated to the Meridian of the *Scots* Company. To put this Matter out of all doubt, we shall here subjoin the first Letter sent from *Saledonia* by the Council of the Colony to the Company, which is the Testimony of six against one.

Right Honourable,

OUR Last to you was from the *Maderas*, of the 29th of *Aug.* and sent by the several ways of *Holland* and *Portugal*, to the Contents whereof we now refer, and in particular to the State of Provisions therewith sent, and which we now find doth considerably fall short even of what was then computed, by reason of the badness of the Cask. The account of the remaining part of our Voyage, together with the most material Transactions since, you may know by the enclosed Journal or Diary of our Proceedings.

"We now send you our Letters and Dispatches by Mr. *Alexander Hamilton* Merchant, who takes the opportunity of passing to you by the way of *Jamaica* over *England*, to whom we desire you would order Forty Shillings Sterling to be paid Weekly, towards his Expences, during the time he shall stay with you negotiating our Affairs.

"The Wealth, Fruitfulness, Health and good Situation of the Country proves for the better, much above our greatest Expectation, which God Almighty seems to have wonderfully reserv'd for this Occasion, and now to have prepar'd our Way, and dispos'd the *Indies* to that purpose. In our Passage hither several of our Number have been taken from us by Death (whose Names we have herewith sent you) and whereof the loss of our two Ministers is the most sensible to us. We therefore intreat you would use your utmost endeavours with the General Assembly, for procuring others to supply that great want: As to the Country, we find it very healthful; for although we arriv'd here in the Rainy Season, from which we had little or no shelter for several Weeks together, and many Sick
"among

"among us, yet they are so far recover'd, and in so good
 "State of Health as could hardly any where be expected
 "among such a Number of Men together ; nor know we a
 "thing here of those several dangerous and mortal Distem-
 "pers so prevalent in the English and other American
 "Islands.

"In Fruitfulness this Country seems not to give place to
 "any in the World : For we have seen several of the Fruit
 "*Cocoa-Nuts*, whereof Chocolate is made, *Bonellos*, *Suga*
 "*Canes*, *Maize*, *Oranges*, *Plantains*, *Mangoes*, *Tams*, and
 "several others, all of them of the best of their kind and
 "where found.

"Nay there is hardly a Spot of Ground here but which
 "may be cultivated : For even upon the very tops and sides
 "of the Hills and Mountains, there is commonly three or
 "four foot deep of rich Earth, without so much as a Stone
 "to be found therein. Here is good Hunting and Fowling
 "and excellent Fishing in the Bays and Creeks of the Coast
 "so that could we improve the Season of the Year just now
 "begun, we should soon be able to subsist of our selves ; but
 "fortifying and building will lose us a whole Years plan-
 "ting.

"By the want of Sloops, or small Coasting Vessels, we
 "have hitherto had no opportunity of disposing any part of
 "the Cargo, or doing other needful things.

"Since the loss of the French Ship mentioned in the Jour-
 "nal, we understand that the Captain had an underhand
 "Correspondence, in tampering with some of the Native
 "whom he intended to carry away with him, which heightens
 "our Jealousy that the French have a design upon this
 "Place, or at least to make a Settlement hereabout. And
 "we heartily wish that our Most Gracious King were truly
 "informed of what Consequence it will be both to his Great-
 "ness and Security, to countenance and encourage us his Loy-
 "al and Dutiful Subjects here, that our Prince and Country be
 "only depriv'd of so valuable a Jewel, but least the same
 "should fall a Prey to some of our Rival Neighbours. This
 "will be the Companies part to notice after these Dispatches
 "shall come to hand.

"You have inclosed a List of several Goods and Merchandises
 "vendable and proper for this Place ; our Situation being
 "incomparable for the Trade of the Coast where (besides
 "our Inland Trade) there is commonly but 2 or 3, or at
 "at most but 8 or 10 days sail to the best Places of Trade up-
 "on

on the Coast, and to the outmost considerable Islands adjoining. And we desire that particular Merchants in *Scotland*, and elsewhere, may be encouraged to trade and correspond hither; in which we hope they will sufficiently find their Account.

"We have also sent you a state of what Supplies of Provisions, Stores, and Merchant Goods are absolutely necessary for the present support of the Colony; referring it to the Company to determine what reasonable Consideration they will have for the Sums that shall be advanced for that purpose: And we entreat, that all possible Expedition may be us'd in sending us these needful Supplies; for without that we shall not only be incapable of making you sutable Returns, but this hopeful Undertaking, together with our selves will run no small risque of being inevitably lost. But however it be (by the help of God) we shall not fail to do our utmost in making speedy and sutable Returns; and shall always account it our greatest Honour to expose our Persons, and all that's most near and dear unto us, in promoting this hopeful Design, as not only promising Profit and Glory to the Company, and all who are concern'd with them, but as being the likeliest means that ever yet presented towards the enabling our Countrymen to revive, recover transmit, to Posterity, the Virtue, Lustre, and wonted Glory of their Renown'd Ancestors: and to lay a Foundation of Wealth, Security, and Greatness to our Mother Kingdom for the present and succeeding Ages. In which we can no way doubt of your most hearty Concurrence and utmost Support. So praying Almighty God would bless and prosper the Company in all their Undertakings. We Remain,

*Right Honourable,
Your Most Humble Servants,*

aledonia, New
Edenburgh, December, 28th
1698.

Robert Jolley.
J. Montgomery
Dan. Mackay.
Rob. Pennicook.
Rob. Pincarton.
Will. Paterfon.

P. S.

We intreat you to send us a good Engineer, who is extream wanted here. This Place being capable of being strongly Fortified. You'll understand by ours from Maderas, the Danger as well as the Tediousness of our Passage North about, so that if the Ship can conveniently be fitted out from Clyd, it will save a great deal of time in their Passage, and be far less hazardous.

This being from Men who knew the Misrepresentation of the Affair, must needs Issue in their own Ruin, cannot be suspected of dissingenuity ; and therefore must certainly over-balance the Evidence of a Renegado, who owns that he writes out of Malice.

The first defence he puts in the Company's Mouth is their being baulk'd of Foreign Subscriptions, which made them lose Time and Money, whereby they could not send out such a number of Men and quantity of Provisions as the Project would have required. This is literally true, let *H——s* and his Suborners answer it if they can. As for his Question, why did they prodigally throw away 50000 *l.* in *Holland* and *Hamburg*, purely to make a Bluster there ; and why did they trust to another Man's Purse till such time as they are sure of it ? We shall answer by asking him another Question, *viz.* Since he pretends to know the Secrets of the West end of the Town, why did our Government oppose our taking Foreign Subscriptions, since they had empowered us by Acts of Parliament and Letters Patent to take them, and since 'twas such a thing as the like perhaps was never done ; what reason had we to suspect being baulk'd of our Foreign Subscriptions ? He himself own'd that the *Hollanders* and *Hamburgers* were fond of our Project, till our Government oppos'd us ; and therefore, by his own Confession, they are to blame for those disappointments. As to our taking Subscriptions in *Hamburg* and *Holland*. We had reason to engage as many of our Protestant Neighbours in the Design as we could, that we might be the more able to defend our selves in case of Opposition ; which is neither ill Policy, nor inconsistent with Honesty.

The 2d Defence he puts in their Mouth, That their Ships were Man'd, no Provisions to be had in *Scotland*, more were providing abroad, and no more Money to be had from the Subscribers till once the Ships were Sail'd, is such as he and his Suborners will never be able to answer ; What could the Company do more, than take care to have Provisions abroad, when none were to be had at home ? And if the Subscribers would

would pay no more Money till the Ships put to Sea, there was a necessity of Sailing. His Objection as to the shortness of their Provisions, we have answer'd already, and shall add which he maliciously conceals; That we sent a Ship with Provisions after them, which was cast away in *January*, for which we cannot be answerable; and he himself owns we sent another Convoy in *May*; Then since the Colony sent us Advice from the *Maderas*, dated *Aug. 29*. That they had till 8 Months large, and twelve Months short Allowance: The Company cannot justly be accus'd of supine Neglect, when they sent away one Ship with Provisions four Months after this notice, and two more in five Months after that, considering that they had no Provisions in *Scotland*, as the Libeller himself owns; and that the Colony had a Cargo which might have bought them Provisions either from the Natives, if they had any to spare, which we could not doubt of by Mr. *Waser's* Description, or from the English Colonies, had it not been for the Proclamation, which we had no reason to suspect would be issued at all, and much less in such a manner in the Name of our own Prince, who was oblig'd to Protect us.

To the Causes he assigns for the Sailing of our Fleet without a greater quantity of Provisions, we shall add one more, *viz.* That we had reason to fear that our Enemies might prevent us; which Captain *Long's* being on those Coasts a Month before us, shews was not without Ground; no more than our Suspicion, that endeavours were used to surprize us into a War with the Spaniards, by *Long's* Men killing seven of them, as hath been already mention'd; and of his doing all he could to make us odious to the Natives, by telling them we were Pirates, and disobliging both *Ambrosio* and *Diego*, by sordid little Actions of his own, as Captain *Pennicook* gave us an Account in his Journal. A Grave Member of the Committee of Trade can give a more full Account of this, if he pleases; and when his hand is in, he would do well to assign us a Reason why that barbarous Murder committed by *Long's* Men, was never yet taken notice of by the Spaniards, since they have published such angry Memorials against us, who committed no Hostilities upon them.

His Objection to the third and fourth Reason relating to the Honesty of our Design, and the Cargoes not being proper, we have answer'd already. As for that of our Goods being seizable in *Jamaica* and other English Plantations, by the Act of Navigation, it's one of the Hardships we justly

complain of, that was put upon us by the Enemies of our Nation in *Charles II's* Reign. But allowing it to be reasonable, it cannot have so much Equity in it, as the Laws which make it punishable by Death, to Rob and Murder. Yet the Execution of those are many times dispens'd with in favour of Criminals, by his Majesty; and indeed a Power to dispence with the Execution of Law sometimes, to save the Life of a Subject, is one of the most Innocent Branches of the Prerogative; but we had much more reason to have expected a Dispensation in this Case, to save the Lives of so many of his Subjects, who had generously ventur'd them for himself.

His owning p. 148. and 154. That a Cargo of Provision bought by two *Jamaica* Sloops, was bought by the Colony, besides as many Turtle as came to 100 and odd Pounds. for which he owns the Colony paid 'em; not only contradicts what he says almost in the same breath, *That there was neither Money nor Moneys worth to be had in the Colony*; and that they laid out all their Stock of Ready Money for Wine at *Maderas*, p. 48. but may, together with their having both Provisions and Money when they came to *New York*, justly confirm our Suspicion, that there was a Mismanagement of the Provisions; since two Sloops Cargo of Provision, 27 Pipes of Wine, 100 Pounds worth of Turtle, the Fish, Plantains, Bonanoes, Potatoes, Indian Corn, Sojourns or Land Crabs, which he says were plentiful at first, added to their former Provisions which they own'd they had at the *Maderas*; together with the decrease of their Number of Men by Death was not enough to keep their Colony from starving for Nine Months. We have still the more reason to suspect this, because the Letter from *New York*, which brought us the first certain Account of the Disaster of our Colony, hinted as if *there might be some Work for the Hangman*. That there were more ill Men in the Colony than *H—s* is probable enough: and particularly that *Pennicook* was brib'd to raise Divisions in the Colony, and put all in disorder by his Insolence: which falling in with the Proclamations that were concerted for our Destruction, gave a handle to other ill Men to foment the Divisions, and complete the Ruin of the Colony by a total Desertion.

His Insinuation, P. 154, That two *Jamaica* Sloops with Provisions return'd from the Colony without breaking bulk, because there was neither Money nor Market Goods there; deserves better Evidence than his own before it obtain

tain Credit. We have indeed heard of one Vessel with Provisions, which insisted on such extravagant Rates, that the Colony would not encourage them to do the like in time to come; and therefore would not deal with them: hoping that their own Convoy might speedily come up; but this was before they knew any thing of the Proclamation, which cut off all their future hopes, ev'n from *Scotland*. We have also Letters from *New York*, that the Government of that Place seem'd to intend them no good; of which their desiring our Ships to come and Anchor under the Guns of the Castle, is a clear Proof; and the reason of this unkind Treatment is also explain'd to us, *viz.* That they suspected our Men had a design to return back as soon as they got Provisions. Nay we have had advice, that their Gold Dust was actually refus'd at *Jamaica*, because of the Proclamations which we have reason enough to believe: since we cannot think that the Inhabitants there would be willing to incur the height of His Majesty's Displeasure to oblige the Scots. That our Men had Gold Dust from the Natives for Powder, Shot, and speckled Shifts: the Libeller owns himself, *P.* 149, and there he brags of it, that he brought off more himself at 3 *l.* 10 *s.* per Ounce (how he came by it, is worth the inquiry) than most of the Councillors that are come home since; and by Letters from *New York*, we have heard there was Money amongst them: By all which 'tis evident, That want of Money or Goods was not the sole Cause of their being denied Provisions from the English Plantations. His Imputation, that the French and Dutch Islands would have supplied us if we had had Money or Goods, is ridiculous; when the Government of both those Nations had so expressly declared themselves against us.

His Allegation in that same Page, that His Majesty knew nothing of the Colonies Settlement at *Darien*, but what he had at second hand, &c. till the Spanish Ambassadur told him from his Master, is so notoriously false, that none but a Person of his Forehead could have advanced it, when the World knows that the Proclamation against us was publish'd in the *West-Indies* in *April*, and the Spanish Memorial was not deliver'd till *May* following. We should indeed be very glad to find that His Majesty knew nothing of those Proclamations; and that his Name was made use of without his Consent; as some say his Grandfathers was in the Irish Massacre: for then we might reasonably expect speedy Justice upon those bold Offenders, who dar'd to publish such Proclamations

tions in His Majesty's Name, vvherein vve are condemned ; as having invaded the Spanish Dominions before ever it vvas heard what we could say for our selves, or without giving us any notice of those Proclamations, that we might have taken care to have preserv'd our Men from being starv'd to death by them : By which they have made our Prince to act more like our declared Enemy, than one that we had constantly lov'd and rever'd as Father of his Country : and that which is yet more cutting ; they still prevail to mislead him, so as he continues his unnatural Opposition to us : For besides the Proclamations formerly mentioned, another has been since publish'd against us in *Barbadoes*, dated *Sept. 15*, which is so much the more unaccountable ; considering the Memorial given in by our President and Advocate, justifying our Pretensions which the Spaniards have never yet offer'd to answer. By means of this Proclamation, the *St. Andrew* was denied Relief when she fell in with Admiral *Bembo*, who told her, tho they should all starve he could allow them none, and the like answer they had from the Governor of *Jamaica*, tho they offer'd Goods in Exchange ; the like Opposition is also continued against us at home ; for tho the Company have address'd His Majesty, yet 'tis without effect. After a full Representation of their Losses, they did wisely and dutifully desire the Parliament might meet, that being the properest way to have the sinking Honour of the Company supported ; but His Majesty instead of granting their reasonable desires, was prevail'd upon by those who are Enemies to our Country, to prorogue it further at the very time when they knew the Address was coming up, and all the Answer thought fit to give them, is, *That His Majesty is sorry for the loss of his Ancient Kingdom and of the Company, that they shall have the same liberty to trade to the West-Indies as formerly ; and that he will call the Parliament when he thinks the good of the Nation requires it*, or to that effect. It may easily be judg'd, that this Answer could be no way satisfactory to the Company in such a Juncture : nor are we to wonder, if instead of cheering their Spirits, it struck them dumb, and fill'd them with Amazement. We wish that those who advise His Majesty to such a Conduct towards the People of *Scotland*, who have never been backward in testifying their Loyalty and Affection to his Person and Government ; would consider that this is a downright Violation of our Constitution. It's certain that none are so proper to give his Majesty advice, when a
Parliament

Parliament is necessary as our own Nobility, Gentry and Burroughs, who are most of them concern'd in our Company: And therefore their Address ought to have been more regarded than the advice of any particular Persons.

This false Method of Government hath ruin'd many of our Princes, and we wish that those who put his Majesty upon such Measures, may not have his ruin in prospect. It is certain they can be none of his Friends, who put him upon disobliging of the whole Kingdom of *Scotland* in this manner.

We come next to the Libeller's Defence of the Spanish Title to *Darien*, p. 163. His first Argument, That the Spaniards Title to that Country was never hitherto disputed by any Prince or State, is a downright Falshood. The *Darien* Princes themselves controverted it always, and their Plea was allow'd to be good by the Judges of *England*, as we have been forc'd to tell this Renegado and his Suborners again and again. The Title of the Spaniards as Conquerours to any part of *America*, is not only doubted by the Bishop of *Cheapo*, *Don Bartholomew de Los Casas*, mention'd in the Defence of the Scots Settlement, but strenuously argu'd against and maintain'd to be unlawful, in his Propositions concerning the Title of the King of *Spain* to *America*, propos'd to the Consideration of the King of *Spain* himself. In his ninth Proposition he asserts, " That when Christian
" Princes apply their Endeavours to propagate the Faith,
" they ought to have no Consideration for any thing but the
" Service of God — Or if they can do any thing for the
" advantage of their Dominions while they augment the
" Kingdom of Christ: It ought to be without any considerable
" prejudice to the Infidels or the Princes that Govern
" them — *Prop. 10.* He asserts, They have their own lawful
" Kings and Princes, who have a Right to make Laws,
" &c. — For the good Government of their respective Domini-
" ons, so that they cannot be expell'd out of 'em, or
" depriv'd of what they possess, without doing Violence to
" the Laws of God as well as the Law of Nations. *Prop. 26.*
" Seeing the Spaniards have not been supported either by
" the Authority of their Prince, or any lawful Reason to
" make War against the Indians, who liv'd peaceably in
" their own Country, and had done the Spaniard no
" wrong; all such Conquests that have been or may here-
" after be made in the *Indies*, are to be accounted Unjust,
" Tyranical and Null, being condemned by all the Laws of
" God

" God and Men. It's true he supposes the K. of *Spain* to have a Title to the Sovereignty of the Indies, by the Popes Grant; but it is with such Restrictions as those he mentions; and in his 16 Proposition says the Pope, has power to revoke it, if it be found prejudicial to the Establishment of the Faith; and he expressly declares throughout his Book, that all the Methods taken by the Spaniards were such, so that here's one strong Evidence of their own against them.—

Dominicus de Soto; the K. of *Spain's* Confessor at the time seems by his summing up the Dispute betwixt this Bishop and Dr. *Sepulveda* to have been of the same Opinion; and *Sepulveda's* Books, maintaining the contrary were suppress'd by the Emperor *Charles V.*

Of the same Opinion, and indeed more express against the Methods, by which the Spaniards acquir'd their Dominions in the Indies, is, *Franciscus a Victoria*, chief Professor of Divinity, in the University of *Salamanca*, (whom the Emperor *Charles V.* consulted in Cases of Conscience, and in this amongst others, as may be seen in his *Relectiones, Theologicae, Relectione 5. de Indis*, where he argues the Point at large, and in *Relect. 7. de jure belli*, lays down this as a Maxim, *That an Injury receiv'd is the only just Cause of making War.* So that it being plain from Matter of Fact that the Indians did no manner of Injury to the Spaniards; their War upon them must of necessity by this Argument be unlawful. More has been said already in Vindication of our Title, in the defence of the Scots Settlement, than the Renegado and his Suborners can answer; therefore we shall wind up this Matter in a few Words more.

His alledging we might as well land in *Jamaica*, where the wild Negroes have deserted their Masters, or in *Tobago, &c.* serve only to discover his own Folly. There's no unconquer'd Natives, who have their own Princes to govern them in either of those Islands, nor are the Titles of the English and D. of *Curland* to those Places question'd. The Irish having admitted French Troops into their Kingdom is as little to the purpose, since they have had no shadow of Government or Sovereignty, left them for several Ages, have from time to time submitted to the Government of *England*, and admitted those Troops in defence of the late K. *James's* Title, which he derives from *Hen. II.* that Conquer'd them. Besides, the Libeller himself owns, p. 54. that the Natives themselves were pleas'd with the hopes of being restor'd by us to their Ancient Liberty and Greatness; and p. 55. That

Ambrosio

Ambrosio one of their greatest Captains, was at War with the Spaniards before our Arrival. His alleaging their Cap. *Andreas* was a Spanish Captain at the time of our Landing, needs better proof than his assertion: That he might be then at Peace with the Spaniards, and have some respect for them because of his being bred among them, as *H—* says he was, p. 60. and that they then gave him a Commission as a Captain, does not at all argue that he was in the Spanish Interest when we Land'd, or any way subject to the Crown of Spain; if he himself promised subjection, it does not divest his Subjects of their Right, and that *Andreas's* Successor and they were no Friends to the Spaniards, is evident from the Libeller's own Story, that they gave our Colony notice of the Spanish Party that came to view them, and led them to the place where they were: We have likewise the Testimony of all that have writ of this Place, against the Renegado, besides that of the Journals of our own Colony, which give an Account that *Ambrosio* had engag'd all his Neighbouring Princes in a League against the Spaniard, before our Arrival.

An Account of the PROCEEDINGS in the House of Commons, in Relation to the *Recoining the Clipp'd Money*, and *Falling the Price of Guineas*. Together with a Particular List of the Names of the Members *con-senting* and *dissenting*.

Lords Protests: 117.

In Answer to a Letter out of the Countrey.

SIR,

I Received Yours, *Aug. 14.* and I hold my self bound upon many Accounts to comply with your Desires, and to give you the best Satisfaction I can; and in the first place, I must freely acknowledge to you, that how astonishing soever the Difficulties the Countrey labours under may seem to you, they are not at all surprizing to me, for I never expected otherwise, than that the *Grand Project* of lowering the *Guineas*, and the *Recoining our Silver*, at this time, when such vast Quantities, and in truth all our good Money, had already been transported, into *Holland, Flanders, Spain,*

Italy

Italy and *Germany*, must needs have a terrible Aspect on a Nation exhausted before, and drawn down to the last Degree. For a Man of half an Eye might easily perceive, that the great Pains and Labour the *Court* was at to gain an Act of Parliament for sinking our *Gold*, and putting a new Face, on our *Silver*, was only to qualify them for *Travel*, and as necessary Preparations for the Journey they were design'd for, for they only staid at Home, because our *Gold* was too high, and our *Silver* too low, either *light* in weight, or *base* in Mettal, and when once those Obstructions were remov'd they would be ready to cross the Seas to their Fellows, and become *Denizens of another Country*. And if a Kingdom hath not a third part sufficient *Cash* left to manage the Trade, and Interest of it; in such a Case to form a grand Design to diminish that by *one half*, by Coinage, and abatement of the current Value, and after that to send Abroad three Parts in four, ev'n of *that half*, can visibly tend only to impoverish the Rich, to starve the Poor, and to put the whole Nation at a Stand; it throws all the Remnant of our Money into the Hands of the Government, destroys all the Credit of the Nation, and at the same time leaves nothing to encourage and drive on Trade, nor to supply the Necessities of private Men and Families, and will in a short time reduce us to the Primitive State, not any more to buy, but to barter and exchange, to commute what we have for what we want; and those who want, and yet have nothing to exchange, will carve for themselves, and take it vvhhere they find it. These vvere the Thoughts I had of this Bill before it pass'd, and am therefore the less surpriz'd, vvhhen I see them, for the most part, already made good, and in truth they are obvious to any Man, and I cannot believe but the warmest *Sticklers* for it savv these Effects and Consequences, as clearly and plainly as those that oppos'd it, for what Ends soever they engaged so fiercely to promote it. And this brings me to the other Branch of your Letter, (*viz.*)

That the Country feeling these Effects, are provok'd to very great Anger against the *Parliament*, and can hardly restrain their Hands from offering Violence to the *Persons*, and *Houses* of the *Members*. Now, Sir, I must plainly confess to you on this Head, that I think (in the General) that the Country are in the Right, and have plac'd their Wrath on a true Object. For tho' the Root of this Project lies much deeper; yet it could never affect the People, but by them, and as passing thro' their Hands. It had indeed ano-

ther

her Head and Original, but the Mischief deriv'd to the People by it is purely thro' *them*. The Country, vwhen they chuse them, they look upon them as their Trustees, and that they ought to take care (especially in the Matter of Money) that the People receive no Damage, but if thro' their Default either by their Connivance, Partiality, Fear, Negligence, and much more by a corrupt Activity, the good People of this Nation are brought into Danger, they will charge it upon their Representatives, and so far they are right; they do but what is equal and Fit; for no Man can think himself hardly dealt with, if he is charg'd only with his own Actions; if therefore the Members will vote, and the Parliament enact things the most *intolerable* and *grievous*, they must be contented to bear the blame on't, and take the *urses of the People* for their Pains. It will not be sufficient here for any Man to say, that he was misled, impos'd upon, or frighted; for tho' these may excuse in a private Capacity, and Ignorance and Mistake may atone for Personal and Private Miscarriages, yet if Men will take upon them great Trusts, if they will load themselves with other Mens Concerns, and take upon them the Charge of a Nation, they are Responsible for the Failures that pass thro' their Hands, and must not take it ill, if when the People find themselves suffering by *their* means, they lay it at *their* Doors, for it was Original Fraud for them, when they vvented Wisdom and Resolution, to take upon them a Post that requir'd so great a measure of both. It vould be a ridiculous Excuse in a *General* for the loss of an Army, that he vvas afraid, or mistaken, vvhwhereas the very Station requires and implies the direct contrary Qualities, the highest Circumspection and Valour. If therefore Men vwill be representing a Nation, they are bound at the same time to provide themselves vvith suitable Abilities; and if thro' vvant of Wisdom, Caution, Courage, and other necessary Qualifications in a Senator, they are prevail'd upon to join in pernicious and destructive Votes, they are justly accountable for vvhat miscarries under their Hands; for altho in point of Malignity there is some difference between the active and busy Members, those vvhho pursued this matter vvith the utmost Diligence and Application, and those vvho vvere lead on to give their Concurrence, yet in point of Danger, tis all one, and the People are undone, as vvell by the Supineness and Covardise of some, as by the Forvvardness and Zeal of others; as a Nation may be as soon ruin'd by ill Conduct, as by Treachery. So that so far as eve-

ry particular Man had a share in laying this heavy Oppression upon the People, so far he must expect to bear share in this ill Will; and the People do Justice to their Representatives, as well as to themselves, by imputing to them all that present Misery and Calamity they now groan under. But then here is the Fault, they are apt to lay this Charge promiscuously. without Discretion or Distinction, as if every Gentleman that sits in that House was equally chargeable with all the Proceedings, whereas 'tis a Collective Body made up of Gentlemen of differing Tempers and Dispositions, and there were a great many very worthy Patriots, who wisely and honestly consider'd the case of the People, and with great Courage and Prudence oppos'd these Proceedings to the utmost of their Power, altho' they were at length over-ruled by a Majority, which they could not help, and had us'd all their endeavours to hinder. And it is the highest Injustice in the World to ascribe *that* to them which they were so far from concurring in, that they oppos'd to the last, and the utmost Ingratitude for the People to repay them with Hatred, only for endeavouring faithfully to serve them, tho' they were not able to effect it. But this arises from two Causes, the one is the Station and Circumstances of the Generality of the People, they have no opportunities to know the particular Proceedings in Parliament, nor means to distinguish between their Faithful Representatives, and others; for tho' the *Votes* are Printed, the *Yeas* and *Noes*, the Names of the Persons concurring and dissenting are not, and the Nation hath no way of knowing that but by particular Information. And I confess I have often wonder'd that those Gentlemen who had so signally distinguished themselves in Parliament, should hitherto suffer themselves to lie under the common Obloquy and Hatred, and not endeavour to remove it by informing the respective Counties, Cities, and Boroughs, of their Honest and Faithful Care to preserve them from those terrible Inconveniencies which they foresaw these Proceedings would inevitably bring upon them. Another cause of this sinister and undistinguishing Construction, is the Artifice of the Leading Men, and the Great Sticklers, who having themselves been the Sole Authors of these unhappy Circumstances, and at the same time being sensible how very ungrateful and prejudicial they are to the People, are very industrious to keep the People Hoodwinkt, hoping thereby to pass undiscern'd and undistinguish'd in the Crowd. and that they may escape well enough so long as they lie in common

common, and have no particular Mark set upon them ;
 y, in good truth some of these are not contented to do all
 the Mischief themselves, but think they have not play'd the
 whole Game out, 'till they have laid the Blame on other
 Mens Backs ; and I cannot forbear remarking to you, that
 at this very time, in several Cities and Countries, perhaps,
 all these very Men who were the most active and forward,
 and made it their Business to bring this dreadful Desolation
 on the Kingdom, are washing their Hands and wiping their
 Mouths, and craftily insinuating into the credulous Multi-
 tude, that the present Calamities are purely owing to the
 other *Members*, and that they, honest Men, are harmless
 and clear of the whole matter, and so think to escape them-
 selves by diverting the Stream of the Peoples Rage on inno-
 cent Men ; and thereby hope to gain two Points, both to
 cover their own Guilt, and at the same time to satiate their
 revenge, by exposing to popular Fury those who would not
 be as bad as themselves ; ev'n as *Joseph's* Mistress attempted
 to charge Chastity, and then transferred it to him to hide her own
 crime, and to be reveng'd on him for his Refusal. This
 must be confessed to be a high flight in Politicks, but 'tis
 great Pity but it was turned upon them, by setting things
 in a true Light, that is, by giving a full State of this Mat-
 ter, that the People may know their Friends from their
 Enemies, and plainly see whom they are to thank for this con-
 suming Act, which hath devoured our Trade, and in a short
 time will swallow up all the Money in the Nation. And
 this leads me to the Third and Last part of your Letter: And
 that is, you desire from me an account of the Management
 of this whole Affair in Parliament, and withal you desire
 me to be very particular and express, because, you say, you
 have been apt hitherto to err with the Multitude, and you
 think it becomes every honest Man to rectify his Mistakes,
 and to have a right Opinion both of Persons and Things. And
 in order to your entire Satisfaction in this Point. I shall
 first give you the plain Matter of Fact, and lay before you
 a short Abstract of the Progress of this matter in the *House*
of Commons. And *Secondly*, I shall give you a *List* (as far as
 my Memory serves) of all the *Yeas* and *Noes*, that is, of all
 the Persons who *consented*, and who *dissented*, who were *for*,
 and who *against*, the sinking of the *Guineas*, &c. whereby
 you will be fully enabled to judge uprightly of this Matter
 to translate the Opinion of Persons and Things to their true
 Objects ; and, according to the English Proverb, *To lay the*
saddle on the Right Horse,

As to the *First* of these, when I have represented to you the several Steps and Movements of this matter in Parliament and laid them together before you, you will have a direct view of the whole, you will at once see the Original, the Rise, Progress and Perfection of it; you will easily perceive the Strugglings of the Members, and how at length the *Common Party* carry'd it; you will see what Overtures have been made to secure and uphold the People with respect to it, and how those have been rejected; and in short, you will have before you the *Methods*, or (in Parliamentary Language) the *Ways and Means*, whereby the Country hath been brought into these desolate Circumstances; and then, in the *Second Place*, by the *particular List* you will see *by whom*

Be pleased then to observe, that at the opening of the Parliament, the King recommended to them the redressing the ill State of the Coin; and in pursuance of that *Martyr* 10 Dec. 1695. Colonel *Granvil* reports from the Committee appointed to consider the State of the Nation, several Resolutions relating to the ReCoining of Clipt Money, and putting a stop to the Currency of it after a certain time; which were agreed unto by the House. And 14. Dec. an Address was agreed upon to his Majesty, pursuant to the said Resolutions; and 17 Dec. the Chancellor of the Exchequer (Mr *Mountague*, to whom the said Resolutions were chiefly owing) reported the Address, & likewise the King's Answer to it, *That he would issue his Proclamation accordingly with all convenient speed*; and at the same time Mr. *Mountague* presents a Bill to the House for regulating the Coinage of the Silver Money. But when the *Proclamation* was issued, the Days appointed by it for putting a stop to the Currency of Clipt Money were so sudden, (and the same done, as is said, by the Advice of Mr *Mountague*, contrary to that of the major part of the Council) that an immediate Stop and great Difficulties ensued in Trade and Commerce; which being represented, and every Gentleman sensible of it, 31 Dec. they resolved on the morrow to consider in a Committee of the whole House farther of the State of the Coin, and for preventing the stop of Commerce during the ReCoining of Clipt Money. And after some Debates on several days, Jan. 9 Colonel *Granvil* reports from the Committee of the whole House, who were to consider of the State of the Coin, several Resolutions (very different from the former) which were agreed unto by the House, and a Bill ordered to be brought in upon them. These Resolutions are very considerable; and among the rest.

That

That the Recompence for supplying the Deficiency of clipt money, shall extend to all Clipt Money which is Silver, although of a coarser Alloy than the Standard.

That the Collectors and Receivers of his Majesty's Aids and revenues be enjoyn'd to receive all such Monies.

That a Reward of Five Pound per Cent. be given to all such persons as shall bring in either Mill'd or broad unclipt Money, be applied in exchange for Clipt Money throughout the Kingdom.

That Commissioners be appointed in every County, to pay and tribute the Mill'd and broad unclipt Money, and the new minted Money, and to receive in the clipt Money.

These Sir, you see, are wholesome Resolutions, very profitable for the Country, and (if persisted in) would have supplied them with good Money, and have kept Trade on foot; by them you see the Temper of the House at that time at good Inclinations they had to the Country, and what were mistaken that they should be no Losers, nor their bad money to lye on their hands to be useles and unprofitable. At this, it seems, was too advantageous to the People to be ended into an Act, and was at the same time (particularly that related to the Exchange of Clipt Money, and supply of the Deficiency of it) oppos'd by Mr. Mountague, Mr. Berk a Commissioner of the Excise, Sir W. Young a Commissioner of the Customs, Sir J. Elvel, and others of the Court-Party, However.

On 1 Jan. the Bill upon the foregoing Resolutions was read the second time, and committed to a Committee of the whole House: But then a new Artifice was started, and the use of Guinea's brought into play, altho that Point could not be gained at that time; for a Motion being made, and the question put, that it be an Instruction to the said Committee that they do consider the Price of Guinea's. It passed in the Negative. But this Artifice failing, another was ready at hand; viz. to put off this Committee from sitting, which was done for several days, notwithstanding the honest Patriots got some Resolutions pass'd in order to it; as Febr. 4. an Instruction, that the said Committee do consider of a farther Encouragement to be given for bringing in Plate to be coined, and broad Money to be exchange'd for Clipt Money. And Febr. 6. another Instruction to receive a Clause to prohibit the Use of Bank Notes in Publick Houses: which was consented to, upon the consideration of exchanging the Clipt Money. So that hitherto the Case of the People was considered, and there were Endeavours

Endeavours to make Provision to exchange their Clipt Money, that so they might have had a sufficiency of good Money, to drive on Trade, to pay their Rents, and to support their Families.

But now the Price of *Guinea's* was started again, and Feb. 12. it was resolved, *That this House will on Thursday next resolve it self into a Committee, to consider the Price of Guinea* And on Thursday, Feb. 13. the House (to make sure work resolv'd it self (twice the same day, one immediately after the other) *into a Committee of the whole House to consider the Price of Guinea's*, and came to a Resolution; which Resolution Mr. *Palmes* reports Feb. 15. and was agreed unto by the House, viz. *That no Guinea's do pass in any Payment at above the Rate of 28 Shillings*. I must acquaint you, that this time there were warm Endeavours used to have reduce them to 24 Shillings, and Mr. *Palmes* behaved himself with such Partiality to them of his Opinion, as was never seen in Parliament, and he was deservedly check'd for it by the Members. His Son (who can scarce tell ten) is one of the Tellers of the Exchequer; but 'tis sufficiently understood that Place was given with regard to the Father, who contrived this way to save his Honour, after the repeated Declaration he had made in Parliament against Places.

However, this Fall of *Guinea's* did not satisfy; they must be brought one step lower: And accordingly Feb. 28. upon the Report of the Bill for continuing several Duties granted by former Acts upon Wine, Vinegar, Tobacco, &c, to which the Clause about the Price of *Guinea's* was added, according to the Resolution Feb. 15. After a long Debate, several Gentlemen were unwarily drawn in, to admit that *Guinea's* should not pass in Payment at an higher Rate than 28 Shillings, upon Assurance then given, That the Court would acquiesce, and not seek to reduce them lower; and the Clause was so amended.

But did the Court acquiesce? No such matter; but instead of that, pursued with all Vigour the sinking *Guinea's* much lower, and at length gain'd it: and not only so, but by several Artifices prevail'd to throw out all that related to the *Exchanging with the People broad or mill'd Money for their clipt Money*; insomuch that on March 10. the Title was changed, and whereas it always before stood in the Votes with this Title, *The Bill to Encourage the bringing in of Mill'd Broad, or Unclipt Monies to be exchanged by Commissioners* it

the several parts of this Realm, with the Common People for their Clipt Monies, and for the Encouraging of Persons to bring Plate into the Mint to be coined. Now all the first part was truck out, and from the 10. of March, and ever after, it was only this Title, *A Bill for the Encouraging of Persons to bring Plate into the Mint to be coined.*

By this time you see the People were likely to be in a hopeful Condition, and shift with their Clipt Money as well as they could. And here you see the Root of that Decay of Trade, that Desolation among the Poor, that Stock of dead and unprofitable Money that lies upon Mens hands. Why, sir, their Faithful Representatives took all Care to stop it from issuing, and to give Twelve hundred thousand pound to supply the Deficiency of it, but never thought of supplying the Deficiency of the Country; nay, actually oppos'd it to the utmost. And it seems as if these Gentlemen had formed a Design that the Country should have no Money, or (which is the same thing) none that will pass in any Payment; for altho the Parliament left a Liberty, and permitted Sixpences not clipt within the Ring, and Shillings with the greatest part of the letters, to pass in Payment, whereby a proportion of Trade was carried on, and the People supply'd in some degree, yet now these are as useles, and lie as dead as the other: and if you will enquire into the Occasion of this Stop of such passable Money, you will find it to begin at the Collectors for the Tax, they first refused to receive it, and from them it was derived to others: and I need not remark to you, that the Sub-Collectors are under the Conduct of the Head-Collectors, and the Head-Collectors under the Direction of the Treasury and Exchequer; the principal Officers of which were the chiefest and warmest Sticklers in the Case now before us: so that the Persons who would not have the Peoples Clipt Money exchanged for good Money, are the very same who have put a final Stop to the Currency of their other Money.

But whatever becomes of our Silver, we have yet our Guinea's passable at 26 Shillings. But now comes the last and finishing Stroke of this sweeping Project; for at the Report of the Bill (with half its Title) for Encouraging bringing Plate into the Mint, &c. March 19. a Clause was offered by the Lord Coningsby about settling the Price of Guineas. This Clause valued them at 22 Shillings and the Consideration of it was put off till the next day: and March 20. the Clause was rejected; but March 26. the Lord Coningsby offer'd his Clause again.

again, at the third reading of the Bill; and after many hours Debate, it passed by a small Number.

And thus, Sir, I have given you a plain and impartial Account of the Proceedings relating to this Matter; and you plainly see by what Methods this Consumption is brought upon us. It needs no Animadversions, and I shall make none: you have the Matter of Fact before you, and may judge as you see Cause: only I crave leave to tell you, that the Party who carried these struggled hard to have had all Clipt Money pass by weight immediately, and Guineas reduced to 21 s. and 6 d. and none of the Loss to have been born by the publick. Mr. *Mountague*, Chancellor of the Exchequer, had eminently a share in these things, who deliver'd this as his Maxim, *That he had rather do Wrong than do nothing*. And whoever considers the Resolutions taken, will find him faithful and true to it, and pursuing it in several Instances. He had a great many Partners, as you must observe by the carrying their Point, particularly all that had any Interest in the Bank, Places at Court, Civil or Military, &c. But this is more proper in the next Head, *viz.*

To give you a List (as far as my Memory will serve) of the Members Consenting to these Votes, and Dissenting from them, under the Parliamentary Title of *Yea's* and *No's*: where (for your Information) I desire you to observe that those under the Title *Yea's* are the Members who voted for these Proceedings, those under *No's*, who voted against them; or, in other words, the *Yea's* are those who sunk the Guineas to 22 Shillings, &c. the *No's* those who oppos'd it.

Y E A's.

N O's

Wesfordshire.
Lord Edw. Russel.

Wesfordshire.
Will. Duncomb.
Will. Harrar:

Berks.
Rich. Nevil.
Lord Fitzharding.
Sir Will. Scawen.
Sir Will. Rich.
Sir Hen. Vane.
Tho. Tipping.

Berks.
Sir Humph. Foster.
Will. Jennings.
Sim. Harcourt.

Bucks.
Th. Wharton.
Sir R. Atkins.

Bucks.
Sir Rich. Temple.
Alex. Denton.

Th. Godfrey.
 Sir Th. Lee.
 R. Beake.
 A. Herbert.
 J. Chafe.

Cambridge.

Lord Cutts.
 Edw. Russel.
 Dr. Oxendon.

Chester.

Sir J. Manwaring.

Cornwal.

H. Boscowen.
 Sam. Travers.
 Russel Roberts.
 Ch. Godolphin.
 Wm. Moyle.
 Rob. Molefworth.
 A. Kendal.
 Hu. Fortiscue.
 Hen. Trelawney.
 A. Vernon.
 Fra. Roberts.
 A. Mountague.
 Geo. Booth.
 Sir Bev. Granville.

Cumberland.

Sir Geo. Fletcher.
 Sir J. Lowther.
 Will. Howard.
 A. Lowther.
 Goodw. Wharton.
 Lord Hartington.

Darby.**Devon.**

Edw. Seyward.
 Sir Jos. Tyley.
 A. Champneys.
 Sir Tho. Trevor.

Mountag. Drake.
 Edm. Waller.
 J. Backwell.
 Sir Ja. Etheridge.

Cambridge.

Hen. Boyl.
 Jo. Pepys.
 If. Watlington.

Chester.

Sir Rob. Cotton.
 Sir Tho. Grosvenor.

Cornwal.

Jo. Specot.
 Lord Hide.
 Bern. Granville.
 Jo. Hoblyn.
 Fra. Buller.
 Ch. Trelawney.
 Alex Pendarvis.
 J. Manley.
 Dan. Elliot.
 Hen. Fleming.
 J. Tredenham.
 Lym. Tredenham.
 Sir W. Coryton.
 Fran. Gwyn.

Cumberland.

Sir Ch. Gerrard.

Darby.

Sir Geo. Clark.
 Lord Hen. Cavendish.
 J. Bagnold.

Devon.

Fr. Cortney.
 Sam. Rolle.
 Sir Edw. Seymour.
 Edw. Yard.

Courtney

YEA's.

No's.

Courtney Crocker.

Sir W. Young.*Lord* Rob. Russel.*Lord* Ja. Russel.*Sir* Row. Gwyn.*Sir*. J. Elwel.**Dorset.**

Hen. Henley.

Tho. Freke.

Joh. Knight.

Sir Steph. Evans.*Sir* Mat. Andrews.

Edw. Nicolas

Tho. Erle

Tho. Trenchard.

Durham.

Hen. Lydel.

Essex.*Sir* Fr. Mafsham.*Sir* If. Rebow*Irly* Mountague.*Sir* Tho. Middleton.**Glocester.***Sir* Ra. Dutton.

Rich. Dowdesel.

Hertford.*Sir* H. crofts.*Lord* Conninsby.

J. Dutton Colt.

Hertford.*Sir* T. Pope Blount.*Sir* W. Cooper.

W. Cooper.

Huntington.

Hen. Mountague.

Kent.

Phil. Sidney.

Joh. Granville.

Geo. Parker.

J. Burrington.

Nic. Hooper.

Sir Will. Drake.**Dorset.**

Tho. Strangways.

Tho. Freke.

Lord Ahley.

Mich. Harvey.

Rich. Fownes.

Durham.*Sir* Will. Bowes.

W. Lampton.

Essex.*Sir* Eliab Harvey.*Sir* Tho. Daval.**Glocester.**

———Stephens.

Rob. Payne.

Jo. How.

Rich. How.

Sir Fr. Winnington.**Hertford.**

Rob. Price.

Tho. Foley.

Hertford.

Tho. Halsey.

Geo. Churchill.

Huntington.

An. Hamond.

Rich. Mountague.

Kent.*Sir* Joh. Bankes.*Sir*

YEA's.

No's.

Sir Tho. Roberts.
Geo. Sayer.
Sir Cloud. Shovel.
Sir Jos. Williamfon.
Tho. Rider.

Lancaster.

Ja. Stanley.
Ro. Kirby.
Tho. Molineux.
W. Norreys.
Jasp. Maudit.

Leicester.

Geo. Ashby.
Sir. Edw. Abney.
A. Palmer.

Lincoln.

W. Monfon.
Per. Bertie.
Sir W. Yorke.
Sir Edw. Ayscough.
Ch. Bertie.
Ph. Bertie.

Middlesex.

Sir J. Woolstenholme.
Ch. Mountague.
Sir Steph. Fox.
Sir Rob. Clayton.
Tho. Papilion.

Norfolk.

Sir H. Hobart.
Sir. J Turner.
Ja. Slowan.
Sir Ro. Howard.
Edw. Walpool.

Northampton.

Sir St. Andrew Saint-John.
W. Brownlow.
Ch. Egerton.
Hen. Morden.
Tho. Andrews.

K 2

Caleb. Bankes.

Lancaster.

Leigh Banks.
Tho. Brotherton.
Sir Ro. Bradshaw.
P. Shackerley.

Leicester.**Lincoln.**

Lord Castleton.
Sir Tho. Hufsey.
Sir J. Bolles.
Sir W. Ellis.

Middlesex.

Sir J. Fleet.

Norfolk.

Sir Jac. Atley.
Fran. Gardiner.
Tho. Blofeild.
Geo. England.
Sam. Fuller.
Sir J. Woodhouse.

Northampton.

Tho. Cartwright.
G. Dolben.

Northumberland.

Northumberland.

Geo. Nicholas.
 Sir Henry Bellasis.
 Ra. Gray.
 Sam. Ogle.

Nottingham.

Sir Scroop How.
 J. White.
 Rich. Slater.
 W. Pierpoint.
 J. Thornhaugh.
 Sir. Fr. Mollineux.

Oxon.

Sir. Will. Trumball.
 Sir Thomas Littleton.

Rutland.

Bennet Sherrard.

Salop.

Lord Newport.
 Ch. Baldvvin.
 Sir Will. Forrester.
 Rich. Moore.
 Ch. Mafon.

Somerset.

Sir Tho. Day.
 W. Blath wait.
 Edvv. Clarke.
 Ro. Hoar.
 J. Speak.
 Sir Tho. Travel.

Southampton.

Lord Wincester.
 Lord W. Pawlet.

Northumberland.

Will. Forster.
 Sir W. Blacket.
 Will. Carre.

Nottingham.

Sir Geo. Markham.

Oxon.

Lord Norreys
 Sir R. Jenkinson.
 Hen. Finch.
 Sir Edw. Norreys.
 Tho. Rowney.
 Ja. Bertey.

Rutland.

Salop.

Edw. Kynaston.
 And. Newport.
 J. Kynaston.
 Sir W. Whitmore.
 Sir Edw. Acton.
 Geo. Weld.

Somerset.

Sir J. Smith.
 Sir J. Trevilian.
 Edvv. Berkley.
 Serjeant Coward.
 Nath. Palmer.
 J. Standford.
 Sir Fr. Windham
 J. Hunt.
 Sir Ch. Carteret.

Southampton.

Fred. Tilney.
 Sir Ben. Newland.

Nich.

YEA's.

NO's.

Nich. Hedger.
An. Morgan.
Sir Hen. Colt.
Sir Ro. Cotton.
Lord Cornbury.
Tho. Dore.
Christ. Stokes.
J. Smith.

Stafford.

Sir M. Middulph.
J Lawton.
Tho. Guy.

Suffolk.

Ch. Whitaker.
Sir Ro. Rich.
H. Heveringham.
Tho. Felton.
Sir T. Barnardiston.
Ch. Cornwallis.
J. Harvey.

Surrey.

Sir Rich. Onslow.
Den. Onslow.
An. Bowyer.
Tho. Howard.
Mr. Thompson.
Foot Onslow.
Sir J. Thompson.
Geo. Bridges.

Sussex.

Lord Ranelagh.
J. Machel.
Tho. Pelham.
Hen. Pelham.
H. Priestman.
Nich. Burbon.
Edw. Dummer.

Hen. Holmes.
An. Sturt.
Ja. Worsely.
Tho. Done.
W. Etterick.

Stafford.

J. Grey.
Hen. Page.
Ro. Burdet.
Phil. Foley.
Tho. Foley.
Sir J. Lev. Gower.
Sir Hen. Gough.

Suffolk.

Sir S. Bernardiston.
Sir J. Barket.
Sir Hen. Johnson.
W. Johnson.
Sir Ro. Davers.

Surrey.

Ch. Cox.
Sir J. Parsons.
J. Parsons.
Geo. Woodroffe.

Sussex.

W. Elson.
Sir W. Morley.
J. Lewknor.
J. Perry.
W. Stringer.
Sir Tho. Dyke.
J. Conyers.
Lord Walden.

Warwick.

Warwick.

Warwick.

W. Bromley.
A. Archer.
Geo. Bohun.
Tho. Gery.
Lord Digby.
Fran. Grevile.

Westmorland.

Westmorland.

Sir J. Lowther.
Sir Ric. Sandford.

Sir W. Twisden.
Sir Ch. Musgrave

Wilts.

Wilts.

Sir T. Mompeffon.
Tho. Hoby.
Sir J. Hawles.
Sir Cha. Raleigh.
Hen. Blake.
Alex. Popham.
Craven Howard.
Goodw. Wharton.
Ch. Fox.
Tho. Neal.

Ro. Hide.
Ca. Morley.
Will. Ashe.
Ro. Bertie.
Rich. Lewis.
Sir E. Ernly.
Will. Harvey.
Hen. Pynnel.
Tho. Bennet.
W. Daniel.

Worcester.

Worcester.

Will. Bromley.
Ch. Cox.
Sir Ja. Rushout.

Edwyn Sandys.
Sam. Swift.
Hen. Parker.

Worck.

Worck.

Sir W. St. Quintin.
Christ. Stockdale.
Sir Irwin.

Sir M. Wentworth.
Sir Mic. Wharton.

Sir Ch. Hotham.
Jonath. Jennings.
Tho. Frankland.
Sir H. Goodwick.
Sir W. Strickland.
W. Palmes.
Sir W. Lowther.
Rob. Monckton.

Cinque Ports.

Cinque Ports.

J. Poultney.
Ro. Austen.
Sam. Westerne.
Sir J. Austen.

Tho. Frewen.
Sir W. Twisden.

J. Brewer.
 Sir Ph. Boteler.
 Sir Bas. Dixwel.
 Ja. Chadwicke.
 Ed. Brente.
 W. Champion.
 W. Loundes.
Wales.
 Sir Ro. Puleston,
 H. Nanny.
 Lord Lisburn,

Wales.
 Sir W. Williams.
 Edw. Jones.
 Jeffery Jefferys.
 Rich. Vaughan.
 Sir R. Middleton.
 Edw. Brereton,
 Sir J. Conway.
 Tho. Mansel.
 Edw. Vaughan.
 John Jefferys.
 Ro. Harley.

And now, Sir, I have, I think, fully answer'd all your Desires; you have the state of that Case, and the Persons concern'd; the *Action* and the *Actors*: And if you will give your self the Trouble to tell over the Names, you will find that (after all the Artifice and Endeavours) the Odds was not extraordinary on the Court side: And you may be satisfied, that there were a great many Gentlemen who were, and still are, very careful of the Good of the People for whom they serve. However, you have the *whole Case* before you, and now you are impowered to make a just and righteous Judgment both as to Persons and Things: And if you do not, that is not my Fault, but yours. I shall conclude, like a Divine, with a Sentence of Scripture, *He that justifieth the Wicked, and he that condemneth the Just, even they both are Abomination to the Lord*, Prov. 17. 15. I am, Sir,

London, Aug. 20. 96.

Yours, &c.

A Letter from a TROOPER in *Flanders*, to his Comerade : Shewing, that *Luxemburg* is a Witch, and deals with the Devil.

Honest TOM,

I Know thou dost remember, that while thou wast amongst us, Things went but untowardly ; and that having mighty Forces, enough one would have thought to have conquer'd the World, we made nothing on't, but were still on the losing hand : And since thy leaving us, Things have gone on after the same Rate. We are told a Fellow call'd an *Observer* should say, That though we have a brave Army, yet we want Conduct. But I would have him to know, That we have as good Conduct as any is under the Copes of Heaven. What the Devil then is the Matter ? Or how comes these Things about ? I have been often Musing what the Matter should be ; and at last I have found it out. In plain English, *Tom*, we have been bewitch'd. This damn'd Rogue *Luxemburg*, this crooked urchinly Rogue, and the Devil together, have bewitch'd us all this while. As for the *Dauphin*, who commanded the *French* last Summer, or at least had the Name of it, I suspect him not : For we all know that the *Dauphin* is no Conjuror. But we have been bewitch'd as sure as I am here ; and none but *Luxemburg* could thus bewitch us.

Thou knowest, *Tom*, that at the beginning, we talk'd of nothing less than Marching into *France*, and Carrying the War into *France*. And we had Forces sufficient for that purpose, both then, and many times since ; the *French* not daring to fight us. If they had, we should have beaten them to Clouts. By our carrying the War thus forward, we should have lived upon the Enemy ; and should have tumbled in Free Quarter, and Contributions, and Plunder. And instead of this, we have kept still in *Flanders* ; lying heavy upon it, and plainly devouring it. Nor have we ever had our Foot upon *French* Ground. So that I conclude we have been bewitch'd ; and that a Spell hath been laid before us, which we had not the Power to pass over.

I meant, by *French* Ground, not only their own Country of *France*, but their Conquests also ; or generally, the *French* Quarters. And I say again, That we have not been in the *French* Quarters ever since this War ; that is, not with our
main

ain Army. For I confess Duke *Wirtenburgh* with a Detachment, and Count *Thiun* with a Party, have been in those quarters; though their Stay and their Reign were very short. Marry your *Gazette* did publish, That our main Army (upon our late March to *Roufelaer*, where we encamp'd long to so little purpose) was in the Enemies Country. But that's a damn'd Lye. For the Enemies Country (we all know) is that which is beyond, and within their Frontier Garisons: Whereas this Place is on this side their Frontier, and between their Frontier and ours, and pays Contribution to us, as well as to them. Now, I remember, three Years ago, when our Army had pass'd the *Sambre*, and was got as far as *Beaumont*, Fools have out that we were in the Enemies Quarters. But we were but Nine or Ten Miles from *Charleroy*, which was then Ours, and within the Contribution of that Garison. And the like may be said of *Walcourt*, where we had been before that time.

Thou seest now, that we can come near the Enemies Country; though even That doth seldom happen: But we can't get into it; for the Heart-blood of us. Though we desire it above all Things; and though we want neither Strength, nor Courage, nor Conduct. And therefore thou may'st be satisfied, as well as I, That the Devil has hinder'd us, and that we have been bewitch'd.

The *French* run every foot into our Country, and why should not We do the like into Theirs? Are we afraid of an Action of Treasons? We had once *Namur*, *Charleroy*, and *Tons*, all abreast; and it was a noble Frontier. But the *French* made nothing to pass through this Frontier, and to be in the heart of our Country, between those Places and *Brussels*; where they were as safe as a Thief in a Mill. Not a Quarter ever beaten up, or so much as attempted. And thus they would do, even when they were forced to avoid fighting, our Army being stronger than theirs. *Tom*, we have been invaded Year after Year, by an Enemy that durst not fight us: But whether this could be done without Witchcraft, I leave Thee to judge. And I know thou art a great Judge in these Matters: We have many great Officers, that cannot judge half so well.

Prethee *Tom* give me leave, for otherwise I must take it, I add one Word more. I say then, That by these Doings poor *Flanders* hath been sadly burden'd, being made the perpetual Seat of War: When in the mean time the *French* Quarters

Quarters lie fresh and untoucht. And this hath made them so Rampant as they are. But if we had lain upon the Country as long as they have done upon ours, they would have been in a very bare and low Condition.

Ay but, thou't say, We cannot fall into the *French* Quarters, because of their Lines. Very good. And these Lines shew yet more plainly, That there is Witchcraft in the Case: For they could never be defended without the help of the Devil. They reach from *Dunkirk* upon the Sea, to *Pont Espiers* upon the River *Scheld*; which is near Forty English Miles. From whence to *Conde* (along that River which here serves for a Line) near Twenty Miles more. And from *Conde* to *Namur*, it is almost Fifty Miles. Now I leave thee to consider, whether Lines of this length could be defended without Witchery. And herein lies the Witchery, That we have not the Power to attempt them. For when we did attempt them, (which we have done but twice, and that was under *Wirtemburgh* and *Thian*,) we brook through them with Ease.

Thou seest, by what I have written, That I am very fond of getting into the Enemies Country. Others are rather for besieging and taking their Frontier Towns. And so am I, when we are able to do it. But this requires a great Odds in Power: One Army for the Sieges, and another to confront the Enemy. Whereas we may march into their Country, when ever we dare fight. What, go beyond their Frontier Garisons? Ay, beyond them. Why should not we do it as well as the *French*? And Garisons signify nothing against a Commanding Army; no more than so many Crows Nests. An Army that dares Fight, and yet dares not March into the Enemies Country, are the veriest Buzzards and Owls that ever were hatch'd. Unless they are bewitch'd, as We plainly have been. For I would have thee, and all Men to know, and thou dost know, that We are neither Owls nor Buzzards.

I will ~~not~~ tell thee in particular of some of *Luxemburgh's* Tricks: That thou may'st see what a Rogue he is, and that he is the Rogue that has bewitch'd us. One of his first Pranks, after he came in play, was at *Flucry*: Where I saw plainly, who he dealt with. He lay with his Army beyond the *Sambre*; and Prince *Waldeck* was advancing towards him in fair Order. What does *Luxemburgh* now, but get *Boufflers* to him (by the help of the Devil) with his Army from a far Country: And Prince *Waldeck* knew no more

more on't than the Pope of *Rome*. In the twinkling of an eye, abundance of Bridges were thrown over the River, by the same help I warrant : And they catch'd poor *Waldeck Fleury* Plains, just as the Devil had contriv'd it. Would'st thou now what came on't ? They gave us a damnable Ruffile, to say no worse.

I come now to *Mons* ; which Place we had never lost by Winter Siege, but that we were bewitch'd there twice over. First, the Devil was in it, that when we saw vast Preparations for a Siege, and that in all likelihood *Mons* was im'd at ; we did not put into it one Man the more, though Thousands lay Quartered in *Flanders*. So that the Place was lost for want of Men. For the Garison was not Five thousand strong, when the Place required Ten thousand. Secondly, the Town being yet in Condition to hold out several Days, by *Luxemburg's* means the Devil possessed the Priests, and set them in a Mutiny ; and they forced the Governour to surrender. When at the same time we were just Marching to their Relief.

Mons being lost, we fell to fortifying of *Hall* ; which thou knowest is withing Seven Miles of *Brussels*. And we had laboured several Weeks upon it. But *Luxemburg* coming across the Country, we were fain to out-run our new Fortress. For, as the Devil would have it, there were but Two thousand Men in it, and no Cannon. We thought the Loss not so great, as the Disgrace and the Baffle,

If *Luxemburgh* could have kept this Town, it had been a sharp Thorn in our Sides, lying so near *Brussels*. But our Army grew soon so strong, that he durst not do it. And now he declined Fighting, and mainly fortified his Camp. Whereupon we fairly left him, and marched away directly for *France* ; to the great Joy of the whole Army, who long'd to be there. And *Luxemburgh* soon followed ; Marching along beside us, and Coasting us at a distance. We, in our March, were joyn'd by several Thousands ; so that our Army was increased to Ninety thousand Men, the *French* being not near so many. And now we were full of Hopes, and Resolution, and Courage ; and we hugg'd our selves with the Thoughts of a brave Invasion. But in the Nick, this cursed Rogue *Luxemburgh*, fell to his Charms and Spells, and confounded all. Methinks I see the Devil sitting upon his Crump Shoulder, and beckning to us, and saying ; *Come this way, come this way, turn your Noses this way*. And as sure as thou art alive, *Tom*, we stop'd our March into *France*, and

and turned our Noses upon *Luxemburgh*. And we Encam by him with our mighty Army a good part of the Summe doing no kind of Thing but eat up our ovvn Country. Did thou not read Nevvs in the *Gazette*, Week after Week From his Majesties Camp at Gemblours, and from the Roy Camp at Gemblours ? There it vvas that vve Lay, just behind *Charleroy* and *Namur*, vvvhich then vvvere ours ; vvvh the *French* Army lay advanced before *Mons*. They said, vve staid for our heavy Cannon to come by Water from *Mstricht* ; vvvhich vvvere long a coming. For the Devil dryd up the *Maese* River, and laid Sands in our vvway, so that the Boats could not pass ; and vve vvvere bevvtch'd all over. At last our Cannon came up, and vve did nothing vvwith them. However vve aftervvwards marched on, and passed the *Sambre*. But vve never got ten Miles beyond it, nor out of our ovvn Contribution: Nor could vve ever reach the *French* Quarters ; tho they lay as open to us, as *Hertfordshire* do to *Middlesex*. For then they had no Lines thereabouts. But our stay vvas not long in these Parts: For vvwithin a vvvhile vve Marched back into *Flanders*, and *Luxemburgh* after us vvwhere vve passed the rest of the Campaign.

All this vvvhile our Noble King vvas vvwith us ; vvvhich the bravest General in Christendom. He spares for no Pain, and he vvvents no Brains, and he is Metal to the Back. *Tom* it vvould do thee good to serve under such a General. But at the end of the Year, his Majesty left us, and Prince *Waldeck* commanded. And then it vvas that *Luxemburgh* play'd us another Trick, near a Tovvn called *Leuze*, in a damn'd thick Fogg, vvvhich the Devil had raised for him. He vvas vvwith us, and upon us, before we were in the least aware of him. I tell thee, *Tom*, we dreamed not on him till he was almost vvwithin Pistol shot. And if we had not fought like Devils, *Luxemburgh's* Devil had beaten us to pieces. But fighting as we did, it proved but a Brush, or a Basting. Here the Devil did as much for *Luxemburgh*, as could be expected at his hands. For he raised one Mist in the Air, and cast another over Some-body's Brains: Or else we should have had our Scouts abroad, knowing that the Enemy vvas not far from us.

The Siege of *Namur* follows next in Order : Where we were bevwtch'd most confoundedly. It vvas a brave Town, and of mighty Importance ; and we brought a brave Army, to relieve it ; and our Men were in high Courage, and vvould have fought Blood up to the Ears, and were mad to be at it ;
making

king no question but to beat the *French* to dirt. Then, as Conduct, I say it again, we have as good as any in the world: But yet we suffered this Town to be taken before Faces, without stricking a Stroke; or so much as firing Musquet. And some think, That we lost more Men by being still, and by the Diseases it occasioned, than we should have done if we had fought every Day. Now can any Man imagine that these Things could be, if the Devil had not witch'd us? If the Relief was possible, why did we not attempt it? If it was impossible, why did we not march away, and make a Diversion? But we could neither Fall on, nor March off; but were perfectly enchanted. And who could do it, but that crooked *Urchin*, whom I have so often mentioned? The *French* King was here himself; who likewise much suspected to deal in the Black Art. But, for my part, I am fully satisfied, That 'twas *Luxemburgh*, and his Devils, that brought these Things about. It must be confessed, that the *French* did something out-number us; but we feared them not. And their Army lay round a great way; their inner Line being without Cannon shot, as it might be: So that their Quarters extended very wide, and made up a mighty Compass: Nor had they any Circumvallation, as they called it; only their Quarters were barricaded, and some Works thrown up here and there. Also the *Maes* and the *Sambre* meeting at *Namur*, those two Rivers run through and divided their Quarters. So that part of our Men lay on one side the *Sambre*, and part on the other, and part lay beyond the *Maes*. And we having *Huy* on the *Maes*, and *Charleroy* upon the *Sambre*, we might have marched upon them on either side of either River. And it had been hard, if some where or other we could not beat them up. However we might have tried what we could have done, but the Devil was in it, we never made a trial. Wherein though we had failed in the Attempt, and been soundly punished with the Loss of Ten or Twenty thousand Men; nobody would have blamed us, and our very Loss had been glorious. But to be Lookers on, was such a Thing; it makes me mad to think on it. Though an *Observer* says, that we got more Honour by our mighty Attempts to recover the Town, than the *French* did by taking it. But after *Namur* was lost, we fell to fighting like mad; though it would have been better, one would have thought, we had done so before. Had we ventured half so freely before, as we did after, *Namur* might have been Ours at this Day.

day. But as to the Fight we had after, (it is called the Battle of *Steenkirk*, and thou hast heard much of it) I'll tell thee how it was. The *French King*, after he had taken *Nimur*, was gone to *Paris*; and a good part of his Army went towards *Germany*; and our Army was much increased. So that the *French Army*, left in *Flanders* with *Luxembourg*, was now clearly the weaker. Yet, for all that he had the Impudence to march into our Country, and the continue. But, for fear of the worst, he encamped in Ground of great Advantage, which he also strongly fortified. Whereupon we took a Resolution to fall upon him in his Camp. And we begun most bravely: Ten Battalions of Ours, who had the Van, beat Thirty *French Battalions* out of their Ground; and chased them from Hedge to Hedge, and from one Work to another; and we made them out-run their Cannon. We shewed what Rogues we could make of the *French*, if we had them fairly before us. And now was *Luxembourg* hard put to it: He scarce had time to say a short Prayer to the Devil. *Good Devil*, quoth he, help me out at this dead Lift, or I am undone for ever. And the Devil did help him to some purpose. For he so brought it about, that our Men were not seconded: By which means we were beaten off with great Loss, (still Fighting stoutly) and *Luxembourg* escaped a Scouring. For had our main Body seconded our Van, he had certainly been quite routed. Some said, That our main Body could not come up, because of the bad Ground. But why could they not march the same Way, and upon the same Ground, that the Van had done? And why did they not follow closer, but lay Lying some Miles behind? In short, The Devil was in it, and we were bewitch'd.

When this Bloody Bout was over; and our Army recruited and reinforced, we marched to attack the *French Lines*. But *Luxembourg*, by the help of his old Friend the Devil, got thither before us. For we, on our part, saunter'd a great way about, and out of our way, as if *Pluck* had led us; which I believe he did. However, we then learned, as we had done at *Hall* before, That the true way to draw the *French* out of *Flanders*, is to march into *France*, or towards it. For they are very tender in this matter: Although they love to be in an Enemies Country, yet they cannot endure that an Enemy should be in theirs.

Being bob'd at the Lines, we went with our Commanding Army and encamp't at a Place call'd *Grammen*; which is a good snug Place, within our own Country, and but Five or Six Miles from *Gaunt*. And here we were ty'd by the Leg (no doubt by Sorcery and Witchcraft, it could be nothing else) for a great many Weeks; being not able to move one way or other. But our Army increased to a Hundred thousand Men, while *Luxemburgh* had not half the Number; a great part of his Army being gon to the *Maes* under *Boufflers*, to stave off an Invasion there. Nevertheless we still kept close in our Camp at *Grammen*: Nor did we budg from it till we went into Winter Quarters. During all which time you had Nevvs in the *Gazette*, From the Royal Camp at *Grammen*.

But what could we have done, had we been dispos'd to be active? I answer, That in the first Place we might still have attempted their Lines. Not their Line between the *Scheld* and the *Lys*, where *Luxemburgh* lay with his Army; but their long Line between the *Lys* and *Dunkirk*. For this had but an ordinary Guard: And if the *French* should have drawn their main Army to have defended it, their new and unfinished Fortifications at *Courtray*, and likewise their Camp near it, would have been in great danger. We found afterwards, by Experience, that in all likelihood it would have been no hard Matter to have forced these Lines. But it had prov'd hard, and we had been repuls'd, we might have march'd up the *Scheld*; and have endeavour'd, by throwing Bridges over it, to have gotten that way into the *French* Conquests. *Tom*, I think in my Conscience this River *Scheld* is enchanted. It is like *Styx*, the River of Hell; which none could pass without the help of old *Charon*. Thou knowest it is but a paltry River, in comparison of other Rivers. A Man (I had almost said) may leap over it with a ke Staff: I am sure that with Five or Six Boats, we might throw a Bridge over it any where. And yet we stand in as much awe of it, as if it were the *Rhine*, or the *Danube*; we are not so much as attempt to pass it. Though the *French* conquests lie entire and untoucht behind it; at which we might have our Wills, if we durst pass this River. If we durst Encamp, why might we not have Encamp't upon this River (getting likewise a Passage over it) any where above their Lines? And then the *French* must quit their Lines, we being behind them. Or if we had made a new Garison, in such a Place there were the Place. A lusty Garison here, (I would

would not have it less than Ten thousand Men) won maintain it self bravely, by Contributions out of the *French* Conquests. In such a Garison I should desire to be; then were some Cut in such a Garison. But suppose we could not get over this River; must we then lie in our own Country with our Commanding Army? There was no such Necessity. For we might have gone higher up the *Scheld*; and have forced those Lines, (if they had then any Lines there) which afterwards Count *Thian* forced so easily, with a Party of Twelve hundred Men. Which being done, nothing could have hinder'd us from Marching into *France*; we having such a mighty Power as we had. And if *Luxemburgh* had come in our way, we should have beaten him with all his Devils. But let us go on.

Thou hast heard, I know, That *Dixmude* and *Funes* which we had fortified at the end of the Campagne, were most famously lost this Winter. We out-ran the one, and the other was delivered up after a Siege of some Hours. When these Things were done, *Luxemburgh* was at *Paris*. But I warrant he had laid his Spells before he went; for I am sure he did bewitch us. Was it not a bewitched Thing, that we should fortify these Places for the *French*? When bad Things are done, and no body in Fault, I conclude there Witchcraft in the Case: And when no body is Punish'd, conclude that no body was in Fault. We were much troubled at the Loss of these Places: But some think, That we were more bewitch'd in Fortifying them, than we were in Losing them. *Funes* is about Five Miles forward from *Nenport* (which is Ours.) and *Dixmude* about Seven sideward. And must we have a Garison at every Seven Miles end? Why a small Country, thus Garison'd, would drink up a great Army. And thou knowest, *Tom*, (for thou art a cunning Dog, and hast Guts i'thy Brains,) that when we fortify Places near our own Garisons, they do us little good if we keep them, and great Mischief if the Enemy take them. If we had kept these Two Places, they would not have commanded a Contribution (more than we had before) to maintain a Thousand Men; when at least Five or Six thousand must be in them. I'll not give a Pin for a Garison, that has not a good Contribution. For the great End of Garisons, let them say what they will, is to command Contributions. Therefore our new Garisons should have been made Twenty or Thirty Miles forward, towards the Enemies Country; and then they would have Contribution in abundance.

Now

Now follows the Campagne of 93. in the Beginning of which the *French* Monarch was soundly baffled. At that Season, it seems, the Devil was turn'd against him, or at least forsook him. He came upon us with a greater Force than ever; and we were to be run down forthwith, and all *Flanders* to be swallowed up. In good earnest, *Tom*, we were in great danger. But our King Encamp'd so commodiously, and so strongly, and took such Order for the Defence of all Places, that the Monarch was quite gravell'd. Yet if he had not been an arrant Buzzard, or the Devil had not owed him a Shame, he might have left us in our Camp, and have marched up to *Brussels*, and beyond it, and whither he pleas'd; and have grazed up the Country as he went, and have put all *Brabant* under Contribution. Which had put us in a bad Condition to maintain the War: And some Places or other would have fallen into his hands: But instead of doing this, or any Thing else, he sneak'd back to *Paris*; (for to *Versailles*, I care not which) and all his Court Ladies with him: Whom he had brought to be Spectators of his famous Victories: and by Report they were no better than they should be. Soon after the *Dauphin* marched towards *Germany*, with part of the *French* Army: *Luxembourg* being left with the remaining Part, which was still a force superior to Ours. And not long after that, the Duke of *Wirtemberg* was detach'd from our Army to attack the *French* Lines. Which Design was carried so secretly, that the Devil himself could not discover it to *Luxembourg*. The Lines were master'd with little ado, and we got into brave Quarters, and we raised Contributions amain. But then came the Battel of *Landen* (another bloody Bout) which hurried us back to our main Army that wanted us. Till then we had been free from Witchcraft during that Campaign: But when *Luxembourg* bestir'd himself, and conjur'd up all his Devils; and we were bewitch'd over and over. First, The Devil bewitch'd us to let *Any* be so miserably unprovided for defence, the Enemy being so near it. And if we could not defend it, why did not we blow it up? But it was yielded in two or three Days. Secondly, We were bewitch'd to lie in the Enemy's reach, who so much overpower'd us. And thirdly, We were catch'd in a bewitched Ground; having a River and Morass behind us, which should have been before us. The *French* came up with us over Night; and we expected to Retreat that Night, which the Gallants thought dishonourable. But some of our Troops have read Sir *Walter*

Rawleigh; and they tell us that he has a Saying, *That 'tis more honourable to Retreat by Night, than to be Beaten by Day.* But we fought it stoutly; and the King did bravely above the rest. However it was a bad Business: And it would have been much worse, if *Luxemburgh* (to our great good Fortune had not play'd the Beast, in not pursuing his Advantage.

We are come at last to *Ninety four*, or the Campaign of last Summer: And thou wilt find by the Story, That the Devil doth still haunt us, and bewitch us. This Year the *Dauphin* did again Command the *French* in Chief and the old Magician (thou knowest who I mean) Commanded again under him. And they presently fell to their old Trade. For the first Thing they did, was to come boring into our Country, where they lay at Rack and Manger. And we suffered this as tamely as we used to do: Wherein thou may'st perceive a Spice of the old Witchery. I confess that the *French* at first were something too strong for us: But in short time we were grown stronger than they; and our Fingers itched to be upon their Jackets. However we were content to forbear, till the Arrival of our Forces: Which Forces being come, and we being all together, the Sun never shined upon a braver Army. And then we out-number'd the Enemy; by many Thousands, both in Horse and Foot, and we had better Horses, and better Men, and were every way superiour: So that we made no more of the *French* Army, than of so many Jack-daws. We being in this glorious Condition, the *French*, who had lain beside us, then marched in quite beyond us; and were got between *Liege* and *Mastricht*. But we thought them besotted, to give us such an Advantage; making account that we had them then in a Bag (if we had but the Grace to shut it) and that they could not escape us. For our Army interposing between them and home, (as we expected we should) and they having with them all their Baggage and heavy Cannon, they could not get off without fighting: and then we made no doubt but we should beat them to fitters. For my part, I thought the War was near an End; a happy and glorious End. There being but two Things to do; that is, to beat the *French* Army, and then to march to *Paris*. Thou knowest, *Tom*, That *Namur*, and *Huy*, and *Liege*, and *Mastricht*, lie all on a Row upon the *Meuse*. Of which *Mastricht* and *Liege* were ours, and the *French* had *Huy* and *Namur*: *Huy* being advanced into our Quarters, beyond all the rest of their Frontier. Those Places lying thus, and the *French* Army (as

(I told thee) being between *Liege* and *Mastricht*, we had Orders given us to get ready to March. And I cannot express, nor thou imagine, how joyfully we received these Orders, and then our Business was, either to march straight upon the Enemy, or to cut off their Retreat, by interposing between them and home; that is between, them and *Huy*: for if they got to *Huy* they got home. But now see and wonder how we were Enchanted: *Tom*, as I hope to be saved, we turn'd our Noses the wrong way again. For with mighty diligence we marched clear fromward the Enemy, and likewise beside and beyond *Huy*: leaving the *French* a free Passage to it. And they marched thither the very next day. Never talk now of Bungling, or Fumbling, or making Blunders; for we scorn those Words. 'Twas Witchcraft, dear *Tom*, 'twas Witchcraft, that made us do as we did; the Devil and *Luxemburgh* did bewitch us: And that damn'd Magician may brag of this, as one of his bravest Feats, thou wilt say, That we were still between the *French* and *Namur*. Ay, and so we were. But the *French* had a Bridge at *Huy* over the River, and they made divers other Bridges: Whereas we had none, nor did we offer to make any. So that they could march to *Namur* on the far side the River, when they pleas'd, without the least danger or disturbance. But they chose rather to lie by it, that they might give us Baffle by making us rise first: Wherein they succeeded, as well they might. For they Commanded the one side of the River as much as we; and the other side they had wholly to themselves.

Yet here we staid and encamp'd, as long as we could get any Forage, waiting upon the *French*-mens Back sides; (when thou and I are together, we use another Word.) But, for my part, I did not think we had owed them that Duty; nor did I know why, or wherefore we staid here so long, in the high Condition we were in. The *French*, being the weaker, might with reason be willing that the time should be spent in idle Encampments: But we, who were the stronger, if we had not been still bewitch'd, methinks should rather have chosen to be doing. Well, at last we marched away for *Flanders*, as hard as we could drive, to have another bout at those Lines. And the *French* durst not follow us the way we went (which was the next way) for fear we should turn back upon them, and fall upon their Lines; but they were fain to go round by *Namur*, and beyond the *Sambre*. Yet, by the Devil's help (for no power of

Man could do it) they got before us to the Lines: By which means we were prevented and baffled.

What had we then to do, with our glorious Army, but to march presently up the *Scheld*; and either force a Passage over that River, or march on directly for *France* it self? We had then led the *French* such a Dance, who were damnablely jaded by their late long March (and hardly able to crawl) that all the Devils in Hell could not have enabled them to follow us. But the Devil turn'd our Noses once more the wrong way: For we march'd down the River, and into our own Country; first to *Oudenard*, then almost to *Gaunt*, and at last to a Place called *Rousselaer*, which now bears the Name of a Royal Camp. For here was another Encampment, and Enchantment: And here we lay with our glorious Army all the rest of the Summer, as it were bound Hand and Foot; and without doing any thing, or any prospect of it: For we were coop'd up by the Enemies Lines, which we had no Thoughts of Attempting. And was not this a bewitched Place, for such an Army to lie in? We exceeded the Enemy by Thirty or Forty thousand: And though after a while we sent a Detachment to the Siege of *Huy*, yet still we far exceeded them. If we had Encamp'd all this while in the Enemies Country, it would never have anger'd me, though we had been never so idle: For then, if we had done nothing else, we had eaten up the Enemies Country. I have told thee already, and I tell thee again, that we were not then in the Enemies Country. In the Country between both, I confess, we were: But in these parts, the Enemies Country is that within their Lines; whereas our Camp was without these Lines, and Eight or Nine Miles short of them.

I said before, that we had never attempted *Scheld* River but I lyed; we attempted it then, that is, we look'd upon it and no more. First, one great Man view'd the Place, and then another great Man view'd it, and then we came away. It was as we came down to *Oudenard*, in our way to our Camp: And the Attempt was made by a Detachment of about Six Thousand Men. But if we had been in earnest, we might have made, out of our vast Numbers, many such Detachments for that Service: And we might have attempted several Places at once; or tryed one Place, and then another; both by Day and Night. How did Prince *Lewis* of *Baden* pass the *Rhine* this Summer? I am sure I saw it in the *Paris Gazette*, (for Tom I can now read *French* a little)

That

That he made a false Attaque or Attempt in one Place, and then passed in another; the *French* having drawn their Forces to the first Place. But this Attempt of ours (such as it was) was made in one Place only; and in a Place more likely to be provided for defence, than any other on the River. For it was at *Pont Esseries*, where the *French* Line ends, which is between the *Lys* and the *Scheld*, and where they always had Forts and Guards.

Our retaking of *Huy* was a very good Business, as Things go: But I expected that the Army that took it, would have enter'd the Dutchy of *Lutzenburgh*, which the *French* now have, and which lies hard by; and so have broken that Charm that keeps us hitherto from Entering the Enemies Country. Thou wilt say, They did enter that Dutchy, for all the News books said so. Why then all the News-books lyed: for we never were in that Dutchy, nor out of the Diocese of *Leige*: For, by their own Story, we lay all the while between *Navaigne* and *Franchimont*, both which Places are in this Diocese. And *Navaigne* is upon the *Maes*, almost as low as *Mastricht*. And therefore I am the more confirmed that some Witchcraft lies upon us: so that we cannot find the way into the Enemies Country.

In the close of the last Campaign (for at last I draw to a Conclusion) we new fortified several Places: That is, *Dixmude* again (which the *French* had slighted and abandon'd) *Deynse*, *Ninove* and *Tillemont*; and we talk of *Hall* likewise. Of these, *Dixmude* (as I said before) is Seven Miles from *Newport*; *Deynse* is within Five Miles of *Gaunt*; *Ninove* lies behind *Oudenard* and *Aeth*; *Tillemont* is between *Lovain* and *Leeuwe*, and very near the later; and *Hall* is within Six or Seven Miles of *Brussels*. And the Places to which they lie thus near, were our standing Garisons before. Let us now examine between thee and me, and according to our Rules (and I think we Troopers should understand these Matters as well as some of them do) whether these new Garisons be good ones, and will do us any Service. I say then, That if each of these new Garisons can command Contribution to maintain Three or Four thousand, or even Two or Three thousand Men, we must allow these Garisons to be good ones. But if all these Garisons put together, will not command any Contribution worth the speaking of, more than we might have without them; then, according to our Rules, all of them together are not worth a Dogs-turd. And we were bewitch'd, by *Luxemburgh* and the Devil, to be at

so much Charge, in fortifying and keeping such useless Things. A little time will shew what they can do. But if we had made a new Garison upon the *Scheld*, any where between *Tournay* and *Conde*, and another upon the *Sambre* near *Charleroy*, either above or below it; I'd have eaten Hay with a Horse, and been hang'd for a Fool, if either of these two Garisons would not have maintain'd Ten thousand Men: If they were made big enough (as they ought) to contain so many. And all this by Contributions out of the Enemies Countries, which otherwise we cannot reach. Out of these two Garisons we should have scour'd the *French* Quarters i' faith.

I could write more now to thee, but I won't; for I know thou art a Man of Business. Only I shall say This, That if this cursed Witchcraft which has so plagu'd us were removed, we'd beat the *French* to *Jericho*: But if it continue upon us, though you send us never so many Millions from *England*, we shall do nothing here in *Flanders* that is worth one Farthing. And so, dear *Tom*, fare thee well.

A Caution Against Inconsistency. Or the Connexion between Praying and Swearing; In Relation to the Civil Powers.

IN arguing this point I shall not dispute in whom the Right to the Crown lies, whether in *J.* or *W.* For the Resolution of this Question I refer the Reader to the *Constitution*, which, if consulted without Prejudice, will quickly give them satisfaction. The Debate therefore being of a private nature, I hope no Government, whether lawful or pretended, will think it self concerned in it.

Having premised this, I shall enquire whether there is any Consistency of Principles in Praying publicly for a Prince, as our Sovereign, to whom we judge it unlawful to swear Allegiance. I shall endeavour to maintain the Negative, for these follow Reasons: Which before I advance, I will lay down this Proposition, *viz.* That we must believe that Prince to be an Usurper, to whom we believe our selves bound not to swear: For an Oath of Allegiance being a Security which all Subjects owe their Sovereigns, when required; why should we refuse it to a Prince upon demand, unless

es we believe our selves pre-ingaged, and that our former Obligations stand uncanceled? Such a Denial, if rational, must proceed from a Persuasion, that he has no Right to challenge our Obedience. Now he that has no Right to demand our Subjection, can have none to govern, and therefore must be an Usurper, if he pretends to it. This is so plain that I need not insist any farther upon it.

Having settled the *Basis* of this Dispute, I shall proceed to show the Unreasonableness of Praying for an Usurper, and that,

1. Because its contrary to the Design of the Liturgy, if we consider it either as an Ecclesiastical Constitution, or as its enjoin'd by Act of Parliament: For we cannot in Reason or Decency imagine, that either the Spiritual or Civil Authority of the Nation, should enjoin any thing in favour of such a remarkable Injustice, and oblige us to pray for the prosperity of an Usurper, which is in other words to pray for the Overturning of the Government, and the Ruine of the Prince, for whose Safety and Honour the Laws are so singularly concerned. On the contrary, to pray for an Usurper is to pray for him whom the meaning of the Prayers oblige us more particularly and principally to pray against: For we pray that God would defend the King, and give him the Victory over all his Enemies; and if over all, then certainly over those who are most unjustly so, which Usurpers are, for thus much is implied in the very notion of Usurpation.

2. To pray in this manner is injurious to the King, because the Style of Sovereignty is given to another, to his capital Enemy. Now one principal Cause of Errour, as a great Philosopher observes, is the misapplying of Names and tying up our Conceptions in words, which don't answer the nature of the Things they are to represent *Cartes. Princ. Philosoph. pars 1. p. 20.*

For Men generally distinguish their Ideas more by the marks of Speech, than the Properties of things: And therefore when any Person or Office are usually handed about under Names of Dignity and Advantage, the People are apt to take them upon content, and imagine what they describe will reach up to the value and glitter of the Character.

For this reason among others the Regal Stile ought to be looked upon as an incommunicable Respect, and peculiar to the Authority it denotes: To give it others, either weakens the Notion of Majesty by Division; or diverts it to awrong object. This practice (especially when it is attended

ed with Circumstances of Solemnity) appears to be much the same Crime in State, as Idolatry is in Religion; for as those who give the Attributes of God Almighty to a Creature, do as much as in them lies, disown his supreme Excellency: In like manner to mention an Usurper in Sovereign Language, is a dangerous Impropriety; for as far as the abuse of Words can influence, it confounds the Notion of Monarchy; makes One signify Two, and sets Right and Wrong upon the same Level. But to press the similitude a little farther: As the ascribing the Perfections of God to the Devil, would be intolerable Blasphemy; so we are to observe, that this Supposition makes the parts of the Comparison more just and agreeable, and draws them nearer to a parallel: For the lawful Prince and the Usurper stand, though in a lower sense, in the same relation to each other as God and the Devil: for they are irreconcilable Adversaries, and the latter endeavours to encroach upon the Honour and pervert the Subjects of the former. Besides, in one respect this civil Idolatry is worse than the other: Because God is above the reach of Injury; so that he cannot receive any real disadvantage, though his Name should be given to the most wicked Spirit: But a Prince is much the worse for having the Sovereignty of Style given to such an Enemy; especially in publick places, and by Persons of a sacred Character: For,

3. This Custom leaves an ill Impression upon the People, and puts them upon the danger of mistaking their Governour, as has been already proved, and will be shewed more at large afterwards.

4. It argues a great Latitude of Principles in the Person who uses it: for it supposes him to pray for one Prince in publick, and another in private; unless you can fancy him so loyal as never to pray for him whom he believes his lawful Prince. Nay, which is harder, it supposes him to pray knowingly for the wrong, and to omit the right Prince. Farther, In praying for the Usurper under the name of King, he must pray either that his Reign may be successful or unfortunate, short or long: If the former way, his Prayer is at the best but Equivocation and Mockery, and then his Sovereign Lord and Lady have no reason to thank him for his pains; if his Prayer runs in the latter sense, then it may be paraphrased thus:

O God, who art the great Reward and Rule of Righteousness, who hast promised to deliver the oppressed, and to help those

ose to Right who suffer Wrong, we beseech thee to act in contradiction to thy ever blessed Nature, and to encourage the breach of thy Laws: Let Justice perish from off the Earth, and support the Violence of the wicked, Prosper thou the Works of their Hands upon them: O prosper thou their handy work.

Now though I do not believe any man intends to pray in this sense (no more than the *Calvinists* intend to make God the Author of Sin) yet I cannot understand how the Principles of those I am representing can admit of any other Construction: For if its said that the meaning of such a Prayer is only that the Usurper may act for the common Good, and manage his unjust Acquisitions with Temper and Clemency; in answer to this I desire to know whether it is for the common Good to have the Bulk of a Nation in a state of Rebellion; To have all loyal and conscientious Men clapt under Hatches, and tyrannized over in their Estates, Liberties, and Lives? Whether it is for the Common Good to be without Law and Justice, and to have the pretended Magistrates qualifie themselves by Perjury for their Office? Whether it ought to be looked upon as an universal Advantage to have a lawful Prince barred of his Right, and pursued with Fire and Sword by his own Subjects? These, and many others of the same Complexion, are the unavoidable consequences of an Usurpation. Now if these are such desirable Blessings, as to become the subject of our solemn Devotions; Then I confess it is high time to alter the Liturgy, and to invoke Heaven for *Plague, Famine, and Conflagrations*, and most of those other Miseries and Sins which we are taught to pray against. As to the other part of the objection, *viz.* That in praying for the Usurper we only say that he may use his Power with Moderation, &c. I answer, That things which are evil in their own nature, as Acts of Usurpation are, not allowable in the lowest and most inoffensive Degrees, and consequently not to be wished for; so that we may as well pray that a man may steal, lye, and cheat, within a Rule, as that he may be a kind Usurper. For why we ought to pray for publick and not for private Thieves, is beyond my comprehension; except the greatness of an Injury is an argument for our Intercession. It is true, I am bound to pray for my own Prince, though he should prove an Oppressour. Thus the Apostle commands, and such was the practice of the Primitive Church: For in this case, though the Magistrate abuses his Power, he

he is notwithstanding the Minister of God. The Authority is good, though the Man may be otherwise: But an Usurper has no Authority; for all Authority is grounded upon Law and Right. And therefore I can be no more allowed to pray for him, than for a Captain of Moss-Troopers, and *Banditi*; for the Robbers, &c. of these Realms. Every Act of an usurped Government is unlawful and injurious; for it's a disposal of another Man's Right against his Will, and for the most part against his Interest. Besides, he who governs and commands those he has nothing to do with, encroaches upon every particular Man's Liberty, and does the People wrong, by a pretended interposing to do them right. Injustice is the Essence of Usurpation; it's as inseparable from it, as Heat is from Fire; so that to pray for the Usurper is to desire the maintainance of publick Violence, and that a man may continue in a state of necessary and perpetual Wickedness.

If it's urged that some return is due for the Advantages of Society, and that we are obliged in Gratitude to pray that those who protect us may be protected themselves: For that purpose; If a Man turns my Father out of doors, against all Right and Reason, and hinders me from performing my Duty to him; yet because the new Landlord does not immediately knock me on the Head, I am bound belike to strike the old Gentleman out of my Prayers, and desire God that the Intruder may continue in a peaceable Possession of the Estate and Family. Now if it is not lawful to use such a dutiful Prayer as this is against our natural Parents, then certainly not against those who are the Fathers of our Country, who have a Power over us paramount to the other, and whom we are obliged to obey, though contrary to the Order and Interest of any domestick Relation.

And here it is not improper to take notice of the grossness of that Prayer in particular, *viz.* That the Usurper may have the Victory over all his Enemies, when all the World knows that the lawful Prince is the Usurper's greatest Enemy, and that he accounts him such. If it is replied, That we only pray that he may succeed against his *unrighteous* Enemies; and in this sense the true Prince is excepted: To this I answer,

1. That according to this distinction the Prayer is rendered almost useless; because Usurpers have seldom any *unrighteous* Enemies: For it must be granted, that those Subjects and

nd Allies who oppose the Usurpation in behalf of the lawful Prince; are engaged in a just Quarrel. But,

2. Whether these Enemies are *righteous* or *unrighteous*, is nothing to our purpose: For if I am obliged not to pray for an Usurper under the Name of my own Prince upon any account whatever; then though he may possibly have some unrighteous Enemies (as the worst People may be sometimes injured,) that is no Excuse for my praying for him in a regal Style: For a Man's having a good Cause does not make him a King; and therefore he ought not to be prayed for as such: But if a Preacher cannot be contented without naming a King, or an Emperour in his Prayer, he should take care to use those who are remote, and have no competition with his own Prince. This, though horribly trifling, would be more innocent; for it would give the People no wrong apprehension, nor confirm them in their Revolt; and therefore the *Mogul* and *Prester John* would be much better than *W.* and *M.* if he is dissatisfied with their Title. But above all Mankind he ought to avoid mentioning the Usurper, because this is apt to give a colour to his Pretences, to perplex the Cause, and to misguide the Consciences of the Ignorant. In short, the only proper Prayer for such a Person is, That he may be brought over to Repentance and Restitution; or else that his Violence may be checked by some speedy and remarkable Providence. And if a Man is not hardy enough to pray for an Usurper in this manner, he had much better let him alone.

5. The fault of praying for an Usurper is still greater, when the Minister is morally assured, that the Majority of his Audience are mistaken about the Person of the Governour, and believe the Usurper to be their lawful Prince. When he finds them so bigotted and passionate for their mortal Error, that they wont so much as endure an omission of Names, for fear the Preacher should deceive them under the general Name of King, pray for his own Prince, and make his Mind and his Tongue go together. Now when the Preacher believes the People thus dangerously deceived about the Seat of Government, one would think he should endeavour to disengage them from a Mistake of such a consequence; if not by open Remonstrance, yet by absolute Non-compliance, and by shewing all the marks of Dislike, which Prudence and Loyalty can suggest. By the use of which Expedients a Man may be both safe and intelligible enough. Now if this be the Duty of every good Subject,

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and more particularly of Clergymen; as I suppose cannot be denied; I desire to know if it is not a mysterious piece of Conduct to proclaim an Idol of Majesty to the People; and to furnish them with his own Authority, with the most solemn Circumstances of Place and Occasion, to fix and for ever settle their Mistake. For that the People believe, (and I think very reasonably,) that the giving the Style of Sovereign to a Person in Divine Service, is a solemn acknowledgment of his Title, is apparent by their insisting so much upon this Condition: For without express nomination, let the Pulpit-performance be never so extraordinary, its very difficult to get either their good Word, their Company, or their Contributions; so that it is plain by their Appearance, by the Management of their Purse and Censures, that they imagine they have gained over their Preacher, when they have once worked him up to Naming. And since there is such a Division between the Pulpit and the Pews, Ought not the spiritual Guide rather endeavour to bring the People to his own Opinion, than to humour them in theirs; especially in a case of so great weight. Saint Paul assures us that if he pleased Men (out of Principles of Interest or Sensuality) he should not be the Servant of Christ. Gal. 1. 10. The serious consideration of which Text is of mighty importance for the Discharge of the Pastoral Office: God grant it may be better practised for the future, than I am afraid it has been of late.

6. This Practice will still appear more unaccountable, we consider, That a Clergy Man's Prayers are his Arms, and the use of them is the most proper way he has of engaging for his Prince. For this Point we have the consent of almost all Ages and Religions; I shall produce some of the Testimonies of Antiquity: And first,

For this Reason *Darius* was at so much Charge in the rebuilding and ornamenting the Temple at *Jerusalem*, and in furnishing the Priests with Sacrifices; i.e. That they might pray for the Life of the King and his Sons. *Ezra*. 6. 10. part of the same Munificence was shewn by *Ptolomeus Philadelphus*, and *Augustus Caesar*, to the same place, upon the same account. (*Joseph. Ant. Jud. Lib. 12. c. 2. p. 392. Phil. Jud. Legat. ad Caium. p. 798, 801.*) Now if these Jews had prayed for the Prosperity of those who had dispossessed their lawful Emperours; that had without doubt very much perverted the Design of the Benefaction. And to give an Instance of the

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use of Christians in this Point, *Zouch* tells us, out of the
 Grand Customary of *Normandy*, That *Bishops*, and other
ecclesiastical Persons, (who held Lands in *Frank Almoine*)
 were bound to no other Service, but to pray for the Prince. Del.
 r. Temp. sec. Consuet. Feudal. pers 1. sect 9. The
 same is likewise affirmed by *Littleton*, who tells us, That
 none but Churchmen were capable of holding this Tenure.
de Littleton, Cap. Frank Almoigne.

From all which it appears, That Praying for an Usurper
 is in effect Beating up for him, and, as far as it is in our
 power, a kind of virtual translation of Allegiance. And I
 think I may add, it's tantamount to Swearing, because it's
 binding him in the Presence of God; and in regard of the
 frequent Repetition of worse consequence; for it refreshes
 the Title of the Usurper upon the Minds of the People, and
 proposes them to believe him their lawful Sovereign; be-
 cause he is put in the room of him who was confessedly so.
 Besides, He that swears to an Usurper, makes a solemn Ac-
 knowledgment of him but once possibly in his whole Life;
 whereas he that prays does the same thing every Week, and
 in a place full as publick as the other. He does it in the
 congregation he is to govern, and instruct, where his Per-
 son is best known, and his Practice most influential: So
 that upon the Whole, I think it's Evident, that he who
 prays for an Usurper without Swearing, does Him much
 more service than he who swears, but refuses him his Ex-
 cess-Prayers in the Church.

I shall add one Testimony more for the Confirmation of
 this point, which shall be taken from the Practice of St.
Ambrose. Now this great Bishop refused to Communicate
 with those of his Order, who adhered to an Usurper. (*Ambr.*
2. Libr. 5. Ep. 27) And if he believed the Privileges of
 Church Communion justly denyed to those, who complied
 with the Usurpation, we have all imaginable reason to sup-
 pose he would never have owned the Principal Offender for
 his Sovereign. But we need not argue from Parity of Rea-
 son, if we will but peruse the forementioned Epistle: For
 enough St. *Ambrose* was a Nobleman born, and had a suita-
 ble Education; yet we may see at what an unceremonious
 rate he treated *Maximus* to his Face, never so much as
 purchasing him the name of Emperor, or any other Title
 of Authority. And though this Tyrant, as *Theodoret* calls
 him, pretended the occasion of his War was purely to call
 the Arian Emperour *Valentinian* to account for some Hard-
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ships he had put upon this good Bishop, and to shelter the Orthodox from Persecution; that is, in modern Phrase, for the Protestant Religion; yet all this Flourish was to no purpose. For the brave St. *Ambrose* was not to be disobliged out of his Duty, but solicited the Emperour's Cause with the same Frankness and Zeal, as if he had been never unkindly used. *Theod. Eccles. Hist. Lib. 5. Cap. 12, 13, 14.*

And, to come nearer our own Times, I believe it will be hard to give one Instance of any eminent and loyal Ecclesiastic, who mentioned his *Highness the Protectour* in his Pulpit-prayers.

I know 'tis said by some, that their refusing to answer Allegiance to a Prince is a sufficient Argument that they do not recognize his Title, notwithstanding the regal Style they mention him with in their Prayer. To this I answer, That the Praying for an Usurper is at least as full a Declaration for his Pretences, as the not swearing can be against them for the first is as publick, more solemn, and likewise a more frequent acknowledgment of him, than the latter is of the contrary; so that such an Excuse can serve to no purpose, but to amuse the People, and make the Preacher incomprehensible. But farther: This defence will be perfectly insignificant, if it appears that the praying for an Usurper is absolutely unlawful in the Nature of the thing, as I think either is, or will be sufficiently proved.

Farther: There are those who alledge that they pray for *W.* and *M.* only as King and Queen, without mentioning the place of their Dominions; and therefore they hope they do nothing contrary to their former Engagements. But to shew how slender a Justification this is, I need only reply, That it's not the Custom in our Churches to pray for foreign Princes by Name; and therefore a Man cannot be understood to pray in that sense. Besides, every one knows that *W.* and *M.* are either *K.* and *Q.* of *England*, or of no place at all.

3. They urge that they do not recite the Royal Titles at large, as formerly; but only mention our Sovereign Lord and Lady, or to that purpose, without the Addition of *England, Scotland, Defender of the Faith, &c.* Which Diversity of Form, they conceive, makes a sufficient Distinction between the Prince they have, and those they have not sworn to. To this it may be returned, That an Omission of a particular and pompous Enumeration of Titles, is not

not material in this point : For he that owns a Person King of *England*, must by consequence grant, that all the fore-mentioned Blazon of Style, Prerogative, and Jurisdiction belongs to him.

7. This modern way of Praying is used, because the Person conceives himself obliged to it, either for God's sake, the Peoples, or his own. But,

1. There can be no Obligation to such a Prayer upon the account of God Almighty ; for if there were, it must be either for Information or Protection.

1. For Information it cannot be ; for God knows all things : Nay, according to the Non-swearing Principles God is supposed to know that *W.* and *M.* are none of our *K.* and *Q.* and therefore certainly we cannot be obliged to tell God Almighty, that those are our Governours, when we believe he looks upon them under a quite different Character.

2. Neither can this Address be made to God for the In-vo-king his Protection : For to recommend a pretended Authority to God's Protection, is to pray for the continuance of Injustice, which is *Malum in se* ; and implies that we desire God would support Violence against Right, and reward those Practices he has so plainly and severely forbidden.

2. Such a Prayer is altogether unintelligible, if you suppose it made upon the Person's account who uses it : For he must be a Man of very singular Thought, who can fancy it is Duty to recommend that Person in his Devotions as his Prince, whom he believes to have no manner of Right to that Title. At this rate, besides other absurdities, a man would be bound to Contradictions : For as he is unquestionably bound to pray for his lawful Prince ; so, according to his Doctrine, he would be obliged to pray against him. For the Interest of the Usurper, and the King standing in direct opposition, and both of them laying claim to the same indivisible Sovereignty ; whosoever wishes the Support and Prosperity of the one, must (if he is inconsistent) desire the prejudice and disappointment of the other.

3. Neither can the Preacher be obliged to such a Prayer, for the sake of the People, unless we can suppose him bound to convey false Notions into the Minds of his Hearers, or to countenance those Delusions he finds them prepossessed with.

To conclude : This unacceptable Argument, which though I have not engaged in out of disaffection to any Person ; yet I must add, that the Practice I have been examining is intricate and complete a Riddle, that for my part I despair of disentangling the least part of it. To pray for one Prince and to own my self a Subject to his Adversary, seems to me as unintelligible as it would be to pray to one God, and to profess our Belief in another.

However I question not but the sudden turn of State, and some leading Authorities, may have drawn several well meaning Men into this singular and surprising Devotion : For such I must esteem it, till I am convinced of the contrary. I confess, if this Mystical Point can be cleared, I wish it were undertaken ; and whatever Censure this Paper may fall under ; yet if it proves so lucky as to dispose any of the Parties concerned either to answer or Acquiesce, it will be a small Satisfaction to, &c.

Tempora Mutantur. Or, The great Change from 73 to 93. In the Travels of a Professor of Theology at Glasgow, from the Primitive and Episcopal Loyalty through Italy, Geneva, &c. to the Despoising Doctrine under Papistick-Platonic-Prelatick Colours at Salisbury ; Together with his great Improvement during his short stay at Cracovia.

To the Clergy of the Diocese of Sarum.

Reverend Sirs,

Your present *Diocessan* wrote last Year 1693. Four Discourses, which he has Addressed to you in a long Epistolary Preface ; and Printed this Year 1694.

I have already made some Reflections upon the Second of these Discourses, *Concerning the Divinity and Death of Christ*, and shown, I think, very plainly, that he is a rank *Socinian* in both. He makes Christ to be God no otherwise than by the *Indwelling*, as he calls it, of the *Divine Word* in the Person of that Man *Jesus Christ*, which is the very answer, the

he Socinians give ; as you may see in the *Brief History of the Unitarians*, in their answer to *John 1. 14.*

He explains this is an astonishing way, by the Indwelling of God in the *Cloud of Glory* p. 127. which was in the Temple, and that as they *Worshipped the Cloud*, because of God's *Resting* upon it ; so the *Christians* worship *Christ*, because of God's *Dwelling* in him. And the Reason he gives for all this, is, p. 113. That the *Indwelling of Jehovah is Jehovah.*

The *Indwelling* it self cannot be *Jehovah* : For that is nothing but our *Conception* of God's dwelling in any thing : Therefore he must mean that the *Thing* in which God dwells is *Jehovah* and then the *Temple* was *Jehovah* as well as the *Cloud* ; and the *Sun* is *Jehovah*, and therefore *Adorable* : And so is every *Creature* ; for God *Dwells* in all, because All have their Being in Him.

But no *Indwelling* short of *Impersonation*, upon which follows the *Communicatio Idiomatum*, that is, that all the properties of each of the Natures *Impersonated* are attributed to the *Person*, who partakes of both Natures, as *Eating, Drinking, Growing, Sleeping, Dying* are said of *Man*, because his Body is subject to all these ; as likewise *Immortality*, and other Properties of the *Soul* are as truly said of the same *Man*.

And thus it is that *Christ* is called *GOD*, in Relation to His *Divine Nature* : And *Man* in relation to His *Human Nature*, which could not be if both the *Natures* were not *Impersonated* ; I say no *Indwelling* of God short of his *Impersonation*, can make that Thing in which God dwells, to be truly and really *God*. And therefore neither the *Temple*, nor the *Cloud* were *God* ; nor were they *Adorable* : And the *Jews* did not *Worship* the *Cloud of Glory*, as your *Diocesan* strangely avers. That had been Rank *Idolatry*. And so wou'd the *Worship of Christ* (by his *Parallel*) if there be no more than an *Indwelling* of the *Divinity* in Him, Nor will the Degrees of *Indwelling* (any I mean short of *Impersonation*) make any Difference, in this Case. God's *Indwelling* is more in *Angels* than in *Men*, or inferiour *Creatures* ; And yet it wou'd be as great *Idolatry* to *Worship* the greatest *Angel*, as the meanest *Worm* : And therefore your *Diocesan's* saying that God dwelt more *Intimately* in *Christ* than in the *Cloud*, will not make *Christ* to be *God*, more than the *Cloud* ; unless he carries such *Indwelling* the full length of *Impersonation*, which if he had intended, he wou'd never have brought in the *Parallel* of the *Cloud*, and made it to be *Jehovah* and *Adorable*, that it might be a *Parallel*.

As to the other point of *Socinianism* concerning the *Deat* of *Christ*, your *Diocesan* pleads expressly in Opposition to the *Homilie* of *Salvation*; by rejecting the Doctrine of *Satisfaction*, paid by *Christ*, because, as he says, not *Due* to the *Justice* of *God*. But the abovesaid *Homilie* does not account him, who holds thus, as a *Christian Man*, but for an *Adversary* to *Christ* and his *Gospel*. As you may see in the *Homilie* to which I Refer you. And to what I have more at large said upon this Second of your *Diocesan's* Discourses.

I will at this time, only invite you to look over again with me, his long Dedication to you of these his Discourses.

Wherein, with much *Episcopal* Authority, he does *Teach* and *Dictate* to you. p. 10. He minds you of your *High Calling*, and how that ye ought to walk as becomes the *Sons of God*, and to *shine as Lights in the World*.

Among the necessary and spiritual Duties of your Profession, he is most earnest with you to *Preach* up the *Present Government*, p. 12. and fill all your *Flocks* with the most terrible Apprehensions of *K. J's* Return. 'To express an affectionate and hearty Zeal for their Majesties and their Government; to endeavour to keep your People always in mind of the Extream Miseries, as well as of the visible Dangers of *Popery* and *Tyranny* [never greater danger could both!] we ought to set *Popery* and *Slavery* before them in their true Colours [and you have done it] with all the light and life that we can give them: p. 17. We ought to set our selves against those false Brethren, that pretend they are of the *Church of England* but are not; and are of the *Synagogue of Satan*.

Now, Gentlemen, you know very well, that this is turned upon your *Diocesan*, with all the rest of the *Swearing Clergy*; that they are the *false Brethren*, the *Synagogue of Satan*, who falsely pretend to be of the *Church of England* but are not. And the *Vindication* of the *Deprived Bishops* with other Proofs for this, have not yet been answered. And this your *Diocesan* shou'd, if he had argu'd fairly, have done first: For till that be done to Satisfaction, all these Harangues are not only Precarious, Begging the Question which is the poorest sort of Argumentation: But, which is worse, they seem to conclude against your selves while you are not able to clear your selves from the Charge of *Schism*. which is, with so much Reason, Learning and Authority, are not able to clear your selves from the Charge of *Schism* prov'd against you.

You ought likewise to be fully, and without any the least Doubt or Hesitation, set'd and convinc'd in your Conscience

ances of the *Lawfulness* of the *Present Constitution* before you reach it up, at this rate, to your *Flocks*. And you know there are a great many shrew'd Books wrote of the contrary Side; which are generally very well receiv'd, even by the Learned, and are thought too Knotty to be answer'd. Whereas your *Diocesan's Measures of Obedience*, his *Phoenix-astoral*, and whatever else has been said by him, or any one in Defence of the *Constitution*, has been thoroughly Rejected, at least generally so Esteem'd; even to stop Reply, and make *Sherlock* himself fly to his *Wife* for help; and cry that *She* has ty'd up his Hands from answering these *Jacocetes*, and it is well for them!

But your *Diocesan* brings a strong Argument, that you are all fully convinc'd of the *Lawfulness* of the *Present Constitution*, and that is because you are otherwise a Pack of the vilest and Wickedest Atheists in the World. p. 15. For cannot (says he) admit so bad a Thought of any of you, as to imagine that you could take the Oaths, and continue to perform the Divine Offices, Ordinary and Extraordinary, unless you were fully satisfied in your Consciences, concerning the Lawfulness both of the one and the other. This is so black an Imputation, to suppose that Men of common Probity, not to say, Men that ought to be the Patterns, as well as the Instructors of others, should swear an Oath, and adhere so long to it, which is an Interpretative Renewing of it, ever till it is openly Retracted; and shou'd in those frequent Returns of daily Prayers, besides the special Offices of Fasts and Thanksgiving-Days, offer up Devotions to God, contrary to their Persuasions, that no Man is capable of so Heinous, and so continued a Provocation, unless he is either a Determined Atheist, or a Man of a fear'd and hardned Conscience.—This is of so odious a Nature, that indeed it is not easy to find words severe enough to set it out by, &c.

Which or how many of you, Gentlemen, find your selves concern'd in This so severe Reproof of your *Diocesan*, leave to your own Consciences.

But I must observe to You, and to the World, that he has said all this against Himself; for in the Chappel of Her Royal Highness at the Hague, he did often not only Pray for the P. of Wales by Name, whom at the end of his *Measures of Obedience*, he calls a *Base Impostor*; but in the Daily Prayers of Our Liturgy, which was there used; he prayed for Victory to K. J. over all his Enemies, at the same time he was busy (and most busy he was) to carry on

an Invasion against him, to pull the Crown from off His Head, or else His Head from his Shoulders; and in order to it, Penning *Declarations*, and spreading virulent Pamphlets to Imbitter the Nation against K. J. particularly of the *Base Impeachment*, as he calls it, for which notwithstanding, he continued to Pray, till it was time to take off the Mask.

If he says that he knew of no Design to *De-Throne K. J.* But that his *Abdication* was Occasional, and not foreseen or Desired, I must acquaint you, that I have it from the Mouths of Persons of Honour and Reputation, who heard it more than once from his own mouth, That he was the Man, who was Pitch'd upon three Years before this Revolution, to break the Design to Her Royal Highness of Deposing Her Father, and setting Her upon the Throne: To which he said, She consented, (after some little Surprise upon the first Proposal) provided the *Prince* might be likewise *King*; and this he told by way of magnifying her great Love and Deference to her Husband, and to shew how good a Wife---

Whether in these Prayers for K. J. and the P. of W. he was a *determinate Atheist*, or only *A Man of a Sear'd and hardened Conscience*, is left to his Choice, and your Determination? For, by his Censure of some of you, he has left himself no other Choice. Good God! How will it go down with *Atheistical*, and *Light Wits* to see such a *Man* inveigh so *Piously* against *Hypocrisy* in *Prayer*, or any *Immorality*! It is the greatest Prejudice in the World to *Religion*, to be set up by such sort of Men. If they would serve their Interests of *Religion*, let them never name it, Left, for their sakes, they bring the whole to be thought a Cheat. How much have they done it already? The *Nation* is run into Direct *Atheism*, since this *Revolution*!

But you, Gentlemen, must not have the least Scruple against the *Lawsfulness* of this *Constitution*, upon pain of being as ill as words can make you. And therefore it was very necessary your *Diocesan*, at the same time that he warn'd you of the Danger, should provide you a sure and certain Remedy, and build you up upon such a Foundation as should not fail; because by His, and your own Confession, if it fail you, you perish with it, with the Blood of all those of your *Flocks* upon your heads, whom by your *Disimulation* you have seduc'd.

Now then come we to this strong Foundation. He ushers it in with Great Expectation p. 19. he speaks of it, as a *New* and *Happy* Discovery, which had taken mightily with *You*, when he first told you of it. *You often heard*

me (says he) *Enlarge on it with much seeming Satisfaction: And because you thought that I laid it out in a more Particular Manner, than you had otherwise met with it, I will now spread it out before you.*

This Foundation is two Precedents, he brings for the Justification of taking Arms against our Lawful Governours, for Defence of our Religion, &c.

The one, the known Story of the *Maccabees* taking Arms against *Antiochus*; the other of *Constantine* against *Licinius*, when he Persecuted the *Christians* in the *East*. But these are old Stories. How came you to be so mightily taken with them, at this time, as if you had never heard of them before?

Your *Diocesan* hints that it was not for the sake of these Precedents themselves; but for that Particular Gift he has in *Spreading*, and *Laying out*; which you know gives quite another *Turn* and *Air* from the same thing clutch'd up, and huddl'd together, like a Juggler's Box when it is shut, all the *Rarity* is in the *Unfolding*.

Well then, Look sharp. He begins. p. 20. *The first of these (Precedents) is taken from the History of the Maccabees; which I desire you will consider by these Steps. We will, Sir, and will give you as few Interruptions as will keep us within sight of you.*

The first step is, That the *Jews* were *Subjects* of *Antiochus*. I suppose you mean, p. 20. *De jure*, and not *De facto* Subjects; else it has nothing to do with our Business.

Second step. 22. The *Maccabees* never pretended to any Special Authority from any Prophet, (*i. e.*) for taking Arms against *Antiochus*.

Third step. The Prophecy. *Dan.* 11. 31, 32, 33, 34. is apply'd to justify the *Maccabees*.

Fourth step. As is likewise that Text, *Heb.* 11. 34.

And now it is spread. And if he trips upon the first step, he tumbles to the bottom without stop.

Therefore it is denied to him, that, when the *Maccabees* took arms against *Antiochus*, the *Jews* were *Lawsfully* his Subjects. The Government of that Tyrant, (says Bishop *Overal's* Convocation Book. I. i. c. 31. p. 76.) being not then either Generally receiv'd by Submission, or settled by Continuance, which appears from the first Chapter in the Book of *Maccabees*. And therefore there was no need of the extraordinary Mission of a Prophet to enable the *Maccabees* to take arms against a Foreign Usurper, who was invited by some Wicked Men of *Israel*, who went out of their own Country

try, *1 Mac. I. II.* Out of Israel, to make a Covenant with him; and then fought for him, to Establish his Tyranny over all the Nation of the Jews. *Antiochus*, by means of these Treacherous Jews, had gotten Possession of the Government, and overthrew their Church, as it was before by Law Established (as is complained in Scotland, and in a Great Measure in England) and the Maccabees took arms against the Invasions of this Usurper upon their Religion and Liberties (as was pretended by Dundee, &c. in Scotland) but this has no Relation to the Case of Subjects taking arms against their Lawful and Hereditary Monarchs; to which Case your Diocesan applies it; and before him, Pope *Sixtus Quintus*, who compar'd the Rebellion of the Holy League against *Hen. III.* of France, to the Zeal of the Maccabees for Defence of their Religion, and he exhorted them to fight Gloriously against their Lawful King, for the Advancement of the Church *D' Avila's History of France. l. 9. p.* (of English Edit. 1678) 335.

From the Pope and Conclave this noble Precedent of the Maccabees was pick'd up, by our Poor Fanaticks: And is very well spread by one *Istinus* a little Presbyterian, who put the Objection in these words (which leave out nothing of your Diocesan's) But what say you, (says *Istinus*) to the Resistance us'd by Mattathias and his Children, who kill'd the King's Officers, and Arm'd against him? Which Resistance, as it was foretold by Daniel; so 'tis said by the Author of the Epistle to the Heb. That by Faith they waxed valiant in fight, and turn'd to flight the Armies of Aliens: Which by all is applied to the Maccabees. And who are you to condemn that which the Holy Ghost calls the Work of Faith in them?

To this it is answer'd by *Basilus* a Royalist, in these words agreeable to our Convocation; That the Title *Antiochus* had to command the Jews, is not undoubted: For *Josephus, lib. 12 c. 7.* and 8. shows how the Jewish Nation was tossed betwixt hands, and sometimes in the Power of the Kings of Egypt, and sometimes of Syria; and that the Factions amongst the Jews gave the Occasion to their being so Invaded; for ambitious Pretenders to the High Priesthood, sought the favour of these Kings and so sacrific'd the Interest both of Religion and their Country to their own base Ends: Which was the case in *Antiochus Epiphanes* his Time, who, after his Attempt on Egypt, came against Jerusalem, to which he was admitted by the Men of his Party, who open'd the Gates to him. After which, he Pollu-

ted their Worship and Temple, fell on the Cruellest Persecutionⁿ imaginable: Now his Title over them being so ill Grounded, their asserting their Freedom and Religion against that Cruel and Unjust Invader, was not of the Nature of the Subjects Resisting their Sovereign. Besides, what is brought from the Epistle to the Heb. chap. 11. for justifying these Wars, seems ill apply'd: For from the end of the 32th Verse, it appears he only speaks there of what was done in the times of the Prophets; and none of these being during the time of the Maccabees; that is not applicable to them. Next, as for Mattathias, I must tell you, That God often rais'd up Extraordinary Persons to judge Israel whose Practices must be no Rule to us: For God set up Kings and Rulers at his pleasure: and in the Dispensation, He frequently sent Extraordinary Persons to do Extraordinary things, ——— And, it will be no hard task to make it appear that Mattathias was a Person Extraordinarily Rais'd up by God, as were the Judges; And tho' no mention of that be made, neither by Josephus, nor the Book of Maccabees, that is not to be stood upon; for we have many of the Judges of Israel, of whose Call no account is given, and yet undoubtedly they were warranted to act as they did, otherwise they had been Invaders.

But if that Practice of Mattathias conclude any thing by way of Precedent, it will prove that Churchmen may invade the Magistrate's Office, and kill his Officers, and Raise War against him.

Now, Gentlemen, Will it not astonish you, when you know that every word here Repeated are the Words of this same Diocesan of Yours, when Professor of Theology in Glasgow, thus Spread and laid out 20 Years ago? (so long since he was in hopes it would have been forgot) if his *Vindication of the Church and State of Scotland*, Printed at Glasgow. 1673. p. 26, 27, 28, 30, 31. And p. 62. he likewise answers the other Precedent of Licinius, which he brings in his Dedication to you. For your Story of Licinius (says the Professor) the pure account of it will clear mistakes best (as it is given by Euf. 10. c. 5. Constantine after he turn'd Christian, being then Emperour of the West, called for Licinius, whom Galerius had made Emperour of the East; and they both from Millain, gave out Edicts in favour of the Christians, giving them absolute Liberty, and discharging all Persecution on that account, which is reckon'd to have been in the Year 313. afterwards he allied with Licinius, and gave him his Sister in Marriage and acknowledg'd him his Collegue in the Empire. But some Years after that Wars arose betwixt them, which Loll mus

and Eutropius impute to Constantine's Ambition, and Impatience of a Rival: But if we believe the account Eusebius gives of it, Licinius provoked with Envy at Constantine, and forgetting the Laws of Nature, the Bonds of Oath, Alliance and Agreement, raised a Pestiferous and cruel War against him, and laid many Designs and Snares for his Destruction, which he attempted long by secret and fraudulent ways, but these were always by God's Providence discovered, and so Constantine escaped all his Designed Mischief: at length made War against Constantine. And as he was preparing for it, he made war likewise against God, and persecuted the Christians, because he apprehended they all Prayed for Constantine, and wished him success; whereupon he made severe Laws against the Christians, forbidding the Bishops ever to meet among themselves, or to instruct any Women. Afterwards he Banished all that would not worship the Gods, and from that he went to an open Persecution; and not content with that, he by severe Laws discharged any to visit and relieve such as were in Prison for the Faith. Yet notwithstanding of all this, none that were under his Part of the Empire did Resist him; nay, not so much as turn over to Constantine against him, for ought that appears. But upon these things a War followed betwixt Constantine and Him; wherein Licinius was defeated, and forc'd to submit to what Conditions Constantine was pleased to give, who took from him Greece and Illirycum, and only left him Thrace and the East. But Licinius returning to his old ways, and breaking all Agreements, a second War followed, wherein Licinius was utterly Defeated and sent to lead a private Life at Thessalonica, where he was some time after kill'd, because of new Designs against Constantine. This being the true account of that Story, I am to divine what advantage it can yield to the Cause of Subjects Resisting their Sovereign; for here was a Superiour Prince defending himself against the unjust Attempts and Hostile Incursions of his Enemy, who was also Inferiour to him, as Eusebius states it, whom consult Book 10. Chap. 8. First Book of Constantine's Life C. 42. and B. 2. C. 2. &c.

These are the Words of the Learned Professor, who could not Divine how his understanding would Improve by the time he came to be a Bishop! That he should turn about again, and take up the old Exploded Rebel Pretences, which Himself had put into the Mouths of Presbyterians, on purpose to Confute them! And without answering what himself had then so Orthodoxly and Soundly delivered! Or so much as letting of us know that he had ever said any such things

things in his Life ! But to bring them in now as spick and span-new ! and oh how he tickl'd you with them up and down his *Diocese* ! as himself boasts over again at the End of his Delicious Epistle. *I have now (says he) open'd these two precedents very particularly to you ; they seem'd to weigh much with you when I have laid them out to you in some Conferences that I have held with you upon this Subject. I hope you will both (at least your Lordship) the Force that is in them, and will be able to manage them with more advantage, now that you have them lying before you.*

Yes, and now that you have likewise the *Professor* against the *Bishop* ; that you may spread, and lay them out, and turn them ; and take your choice of them. And let your next Conference be towards Reconciling of them ; and let the *Bishop* either *Convince* or *Excommunicate* the *Professor*. But beware the *Professor* gain not a Greater Party among you than the *Bishop* ; for he has the Reputation of the *honest* Man of the two, and much the better Reformer.

I have several other Exceptions both as to the *Composition*, and the *spreading* of this *Pluister* your Spiritual Druggist has provided for the Sick and Wounded *Consciences*. But having given you the Opinion of the Renewed Dr. *Burnet* ; and thinking it very sufficient to awaken you out of your *Leargy*, if you will follow his Prescriptions, set down in that excellent *Dispensatory* of his, *The Vindication of the Church and State of Scotland*, whence I have taken this *Catholicon*, to expel the Poyson of these two *Goliath* Objections taken from the *Maccabees* and *Licinius* ; I will reserve the rest, till I see the Effects of this : and dismiss you to your next *visitation*, which may be sooner than you are aware.

Some Remarks upon, an Instances of the Usages of former Parliaments, in relation to Taxes.

[Shall not take upon me, to give any directions of my own ; but only lay before my Country-men, some few Observations on the proceedings of former Parliaments, which preserv'd Old *England* by its self, against the Attempts of all our Enemies, tho' *Scotland* was not then united to her. And how far Precedents are useful, how far the usage

sage of Parliaments goes towards making the Laws of Parliament, I shall leave others to judge.

In Ancient times, when *England* was happy at home, and powerful abroad, the Parliaments were always very careful how they introduc'd new precedents in Taxes; having respect as well to the duration, as to the nature of them; and the end and purpose on which they were to be employed. And besides all that, they took care to have, for their Money, new, good, and wholesome Laws enacted, and Grievances redress'd. That which made them fearful of new precedents, is what my Lord *Cooke* observes. 2 *Inst.* 529. When any ancient Law or Custom of Parliament is broken, and the Crown possess'd of a precedent, 'tis a very difficult thing to restore the Subject to his former freedom and safety. For that reason Taxes in old times were granted, only *pro hac vice*, or for two or three Years at the most, as my Lord *Cooke* shews you in his fourth *Institutes*. 4. *Inst.* 32. And some notice is likewise taken of it, in the second *Institutes*. 2. *Inst.* 61, Where he tells us, that in the 3^d of *H. 5.* the subsidy of Tonnage and Poundage was granted to that King during his Life, in respect of the recovery of his Right in *France*, which was the first grant, for Life, of that kind: yet therein was a proviso; that it should not be a precedent, for the like to be done to any Kings afterwards. But yet all the Kings after him had it for Life. So forceable is once a precedent fixed in the Crown, add what proviso you will.

As for the nature of the Taxes, pray observe what my Lord *Cooke* cites out of the Parliament Rolls. (a) At a Parliament in 9 *E. 3.* when a motion was made for a Subsidy to be granted of a new kind, the Commons answered, that *They would have conference with those of their several Countries and Places, who had put them in Trust before they treated of any such matter.* To which let me crave leave, to add an other Parliament (b) Roll, in the same King's time. An aid being desired of the Commons, the tenth part of their Corn, Wool and Lambs, for two Years. The Commons answer, is That they consider'd the necessity of affairs, and were very ready to aid the King: (c) *Because he had gone so far in the business he had undertaken, for his own Honour, and good of the People; and prayed God to continue his Victories &c.* and as to the necessity of an aid, they are vvell appriz'd of it, and are very ready, as they always were to aid the

(a) 4. *Inst.* 34. Rot. Parl. 9 *E. 3.* n. 5. (b) Rot. Parl. 13 *E. 3.* n. 4. and 9.
(c) Note there was some encouragement. King

King; but they dare not assent to that aid, *until they had taken Counsel and Advice of the People, whom they represented*; and therefore prayed the King, that he would call another Parliament, and let them go into the Country, which was according to the Law. And 'tis to this (a) Record that my Lord Cooke refers, when he says, it is the Law and Custom of Parliament: that when any new device is moved, on the King's behalf, in Parliament, for his aid or the like, the Commons may answer, that they tender the King's Estate, and are ready to aid the same, only in this new device, they dare not agree, (b) *without Conference with their Countries*. Whereby it appeareth that such Conference, is warrantable by the Law and Custom of Parliament: And the same great Author does afterwards shew you, that Subsidies fram'd in new molds, usually raise great discontentments, and disturbances, and doth instance in several Rebellions that were thereby caused: which seldom ended, but in the deaths of the Contrivers, Promoters, or Managers of those wicked Projects. Tho' besides the novelty of the Taxes on comparing the Rolls of Parliament with the Histories of those times, another cause, of some of those Insurrections, may be guess'd at. The Tax was given, for (c) *carrying on a War in Forreign parts*: Which brings me to the Statute, call'd *Confirmations Chartarum*, which enacts that Aids, and Taxes, that had been granted to the King, for carrying on his War beyond the Seas, should not be taken for a Custom. My Lord Cooke in his Comment on that (d) Statute, has these words. The King had obtained, by free consent, and good will in Parliaments precedent, Aids, Subsidies, and Task, for the maintenance of War in foreign parts; which howsoever they were granted, in full Parliament: yet, as here it appeareth, many men doubted, might turn in *servage of the Subjects of the Realm*; for that it was holden, that they ought not to contribute, to the King's Wars, out of the Realm. And thereupon, Bohun Earl of Hereford and Essex, high Constable of England; And Bigot Earl of Norfolk and Suffolk, and Marshall of England, for that it concern'd matters of Arms, and War, exhibited a Petition, to the King, in French, in Anno 25. E. 1 before the making of this Act, which I have seen antiently recorded, on behalf of the Commons of England, concerning the laid matter, and thereupon, the King at this Parliament, yielded to this Act; that such Aids, Tasks or Takings, should not be drawn to

(a) 4 Inst. 14. (b) Note the Law of Parliament 4 Inst. 33. and 34 (c) 35. B. 1. c. 5. (d) 2 Inst. 5. 28.

Custom, for any thing that had been done on that behalf. But my Lord Cooke farther adds, that this matter was never in quiet, until it was more particularly explain'd, by divers Acts of Parliament, which he there draws into one body of a Law, divided into several Branches, and then subjoyns. Which *Acts of Parliament are but declaratory of the antient Law of England.* And according to this antient Law the Commons after the same *declaratory Acts* of Parliament when this point, concerning maintenance of Wars, out of *England*, came in question, make their continual Claim of their ancient Freedom and Birthright, as in 1 (a) *H. 5.* and 7 *H. 5.* the Commons made Protestations, that they were not bound to the Maintenance of Wars, in *Scotland, Ireland, Calice, France, Normandy*, or other foreign parts, and caused their Protestations to be entred, into the Parliament Rolls, where they yet remain. Tho' it must be known, that *Ireland* then was, as now it is, a subordinate Realm, and a Member of the Imperial Crown of *England.* And 'twas held for Law. (b) That the King of *England, jure Corona sue*, was chief Lord of *Scotland.* And the King of *Scotland* had, before that time, for an offence, been amerc'd in *England.* And the purview of the before mention'd Statute 7 *H. 5.* says, that they gave the Tax for the special defence of the Realm of *England.* And the Taxes were generally, in former times, thus appropriated. What was rais'd on the Land, was apply'd to our defence at home. And Tonnage and Poundage, and Taxes of that nature, were appointed for the keeping and safeguard of the Seas, and for intercourse of Merchandize safely to come into the Realm, and safely to pass out of the same: And for that purpose sometimes the Merchants hand them, 4. *Inst.* 146. (c) And in some five or six King's Reigns (that Justice might be the more impartially administer'd, between the Sovereign and the People, and the honest Judges duly paid) part of that duty was, by (d) Act of Parliament, appropriated, to the payment of the Judges Salaries, and that to secur'd that, tho' the King granted Licence to Persons for transporting their Goods, Custom-free; yet for the subsidy of these very Goods, were the Officers of the

(a) *Rot. Parl.* 1 *H. 5. n.* 17. 7 *H. 5. n.* 3 and 9 (b) *C. Lit.* 141. *Noy.* 94. *Calv. ca.* 7. *rep.* 22. *Latch* 234. *Davis.* 25. *Year-book* 3 *H. 7.* 10. 1 *H. 7.* 10. *P. E.* 1. *rot.* 5. *Sarg. Maynard's mem.* *scac.* f. 9. 4 *Inst.* 33 (c) *H. 6 E.* 4. *E. 5. R.* 2. *H. 7. Sc.* (d) *Stat.* 18. *H. 6. c.* 27. *Rot. Parl.* *Year book* 2. *H. 7.* 3. 4.

stom-houſe accountable to the Judges for their Salaries. But
 you ſhall not find it expreſs'd in the Rolls of Parliament: nor is
 handed down to us by any Hiſtorians, that I know of, that
 Taxes were uſually (I was going to ſay ever) given for main-
 taining Alliances abroad, or raiſing Eſtates for Sycophants at
 home. *Confirmations Chartarum. c. 5.* ſays, that all Taxes
 ſhall be granted by the common conſent of the Realm, and
 for the common profit of it. And my (a) Lord Cooke on that
 Statute ſays, 'Tis thereby enacted, that every Aid, Takes and
 Taxing, muſt have two properties, the one in the Creation,
 viz. that it be given by the common conſent of the whole
 Realm in Parliament. The other in the Execution, viz. that it
 be given and employ'd for the Common Benefit of the whole
 Realm, & not for private, or other reſpects, which words, & for
 the common profit of it, in the impreſſion of (b) *Tattel*, are in-
 variouſly omitted, ſays that learned Author, It ſeems ſome cun-
 ning Courtier had prevail'd on the Publisher of the Statutes, to
 ſuppreſs that clauſe, leſt it ſhould encounter his private In-
 tereſt. For there have been often Paraſites at Court, who
 were willing, out of Monies given for the common profit of
 the Realm, to have rais'd vaſt Fortunes to themſelves, and
 one nothing for it, but made Blinds for the Parliament, and
 contriv'd fine Speeches, for the continuance of ſuch Subſi-
 dies and Taxes. But when ſuch things were done, and diſ-
 cover'd, they ſoon were taken notice of in Parliament, and ſe-
 verely puniſh'd. As you may find in the Parliament Rolls. To
 mention one. (c) *William De la Pool*, Duke of *Suffolk*, was ba-
 niſh'd the King's dominions for five Years. on Articles exhi-
 bited againſt him, by the Houſe of Commons. One of which
 was, for cauſing part of the *Subſidies*, granted for the de-
 fence of the Realm, and ſafeguard of the Seas, to be apply'd to
 other uſes. But theſe deſigns were generally prevented or
 deſtroyed, by the appropriating clauſes before mention'd. But
 tho' moſt of our Subſidy Statutes appropriating, yet I find
 not any one ſo exact, and conſequently ſo effectual, as that
 of the 31 *Car. 2.* for diſbanding the *Blackheath* Army,
 or therein Care is taken that all the Monies rais'd, by vir-
 tue of that Act be paid to the Commiſſioners therein nam'd;
 who are to pay it away to the Uſes and Purpoſes therein ex-
 preſs'd, nor could that Statute be evaded, tho' there were
 then ſome crafty men at Court. And that Act went yet fur-
 ther, and by way of proviſo, forbade the quartering of Sol-
 diers in Houſes, without the Owners conſent, which is a

(d) 2 Inſt. 59. (b) Ergo not foreign Wars (c) Rot. Parl. 28 H. 6. m. 38 & 50.

very beneficial Law to the Subject. And that way of *tacking* Acts of Parliament together, hath been oft practiz'd with very good success. My Lord *Cooke* (a) tells us, that in the Parliament held the 14 *E. 3.* the Ninth part of their Grain Wool, and Lamb, &c. was granted to the King, on conditions that the King would grant their Petitions, in a scedule annex't. Which act so pass'd and the Parliament continued, and divers others Acts were afterwards pass't in that Sessions. Which said Statute, or the petitioning part of it (as seems to me) was not very strictly observ'd and the next Parliament takes notice, and gives their judgment of it. For an Aid being demanded. (b) The Parliament declare, that the plain meaning of the Lords and Commons is, that all thing contain'd in the Statute granted for the Ninths, be in all points observ'd; or else they think themselves not oblig'd to pay any thing of the 9th, or of any thing else, that should be laid on them; and if the King please to grant the aforesaid things, together with the Petitions, which the Lords and Commons shall now present to him, they will then give him a reasonable answer. (c) And afterwards, in the same King's Keign, an Aid being requir'd of the Commons, they grant it, but on several conditions therein express'd; one whereof was, *That the Petitions that were not answer'd the last Parliament, should be fully answered in that Parliament.* So that on the performance of those conditions, depended that Subsidy: for according to the judgment of the Parliament, before cited, *if the Conditions were broken, the Tax ceased.* And by such methods as these, the Parliament (d) *seldom or never lost a good Bill.* And my Lord *Cooke* tells us, It is an observation prov'd, by a great number of Precedents, that never any good Bill was prefer'd, or good motion made in Parliament, whereof any Memorial was made in the Journal Book, or otherwise, tho' sometimes it succeeded not at first, yet hath it never dyed, but at one time or other hath taken Effect. Which says that Author, may be a great encouragement, to worthy and industrious attempts. Of which he tells you he there gives some few Examples for many, and in the margin has about 30 quotations to that purpose. (e) And the same Author, in his Chapter of the Court of Wards and Livery, tells you of an attempt in Parliament, for taking away of Wardships; which motion, tho' it proceeded not

(a) 4 *Inst.* 27. rot. parl. 14. *E. 3.* Stat. 1. n. 6. 7. &c. (b) *Rot. Parl.* 15. *E. 3.* n. 16. (c) *Rot. Parl.* 22. *E. 3.* n. 4. 4. (d) *Inst.* 32. 4. (e) *Inst.* 202. 203.

to effect, yet he says, he thought good to remember it; hoping that so good a motion, tending to the honour and profit of the King, and his Crown; and the freedom, and quiet of his Subjects, and their Posterities, will sometime, or other (by the Grace of God) by Authority of Parliament one way or other, take effect and be abolisht. Which long since the writing of that Treatise, and since the Author's death; we have (God be thanked) to the great profit of the Crown, and unspeakable comfort of the Subject, seen effected. Which very much corroborates the former observation. And I hope, will be an encouragement to worthy Patriots to review, and prosecute such former good Bills, which have been overthrown, by a prevailing party, or *le Roy S'advise-ra*. Perhaps it may not be lost time, to look into the Journals, and consult the Members of King Charles the Second's Parliaments, to find out by what methods the *Test*, and *Habeus Corpus* Acts were carryed. Tho this by the way must be remembred, that notwithstanding the many Mil-carriages in that King's time, he thought himself no where better counselled than in Parliament, and therefore, whatever Bills were presented to him by both Houses, he pass'd them, *without advising further, or staying till the necessity of Affairs oblig'd him to it*. But on the whole, I am certain, you'll observe that the most effectual way you can take for gathering such good Fruit, is by grafting on Subsidy Stocks.

I come now to the Redress of Grievances, which is generally look'd after in (a) Parliament, and taken care of before any Money Bills are pass'd. For one of the principal ends of calling of Parliaments, is for the redress of Grievances, that daily happen. And this, in former days, was so well known that when Writs have been issued out for summoning a Parliament, our Kings have likewise sent their Writs to the Sheriffs of the several Counties in England, to summon all Persons to give in their Complaints of Grievances against the Ministers of State, and other great Officers of the Realm. And the House of Commons being the general *In-quisitors of the Nation*, have usually taken care to impeach such Persons at Court, as have given ill advice, or mismanag'd the King's affairs. And where the nature of the Crimes, or the proof of them could not well bear Impeachment, the Commons have made Complaints to the King, and on *their bear Suggestion of Crimes*, in Persons, about the

4. Inst. 11. mir. justice c. 1. p. 9. Pety's preface to the rights of Commons.
p 40. Stat 36. E. 3. c. 10. 17 E. 2. dorso m. 2. Clau 4. E. 3. m. 18.
dorso. King

King, the accused have usually been remov'd. The (a) Parliament Rolls give you many Instances, of which I shall beg leave to mind you of some few. In the 29 of *H. 6.* the Commons prayed the King, that the duke of *Somerset*, and about thirty more, be abandon'd from the King's presence, during their Lives, and not to come within twelve Miles of the Court; *for that People speak evil of them.* The King in answer, granted that they should all (some few excepted) depart, and so continue for one Year to see if any man could duly accuse them. And in the (b) 5 of *H. 4.* At the request of the Commons, the Lords accorded, that the King's Confessor, the Abbot of *Dore*, and two others there named, should be remov'd out of the King's House. The Confessor and the two others, afterwards, came into Parliament, before the King and the Lords, where the King excus'd them saying, that he knew no cause wherefore they should be remov'd, but only, *for that they were hated by the People*; and therefore charg'd them to depart from his House, according to the agreement, and the like he would have pronounced against the Abbot, if he had been present. And the King moreover said, *He would do the like with any other, that was about his Royal Person, if he were in the Hatred and Indignation of the People.*

I shall conclude with one more Record, in *Edward* the third's time, where an (c) Aid being demanded for defending the Seas, and maintaining the War against his Enemies. Their answer is (after their Protestation of their Allegiance to the King) That if the King had faithful Counsellors and Officers, he could not but have been the Richest Prince in Europe. And therefore they require that Fallshoods and Crafts of certain of the King's Council, and other Persons may be try'd, and punish't; which would long maintain his (d) Wars, without any charge to the Commons. And thereupon *Richard Lynes*, Merchant, sometimes Farmer of the King's Customs, and Treasurer or Receiver of his Subsidies (for combining with the King's Creditors, to have part of their Gain, and likewise for buying of the King's Debts at under Rates, and making the King pay the whole Sum, and for taking Brocade, for obtaining Payment to the King's Creditors, of the Monies owing to them) he was sentenced, as to his Body, Lands and Goods, to be at the King's pleasure. (e) And at the same Parliament for the like Offences, was the Lord *Nevil*,

(a) Rot. Par. 29. H. 6. n. 16. (b) Rot. Par. 5. H. 4. n. 16. (c) Rot. Par. 50. E. 3. n. 15. 17. E. 26. § 35. (d) By Fines & Forfeitures. (e) Rot. Par. E. 2. n. 34. besides

sides the Criminal Punishments, ordered to *make Restitution to the Parties from whom he had taken Brocade*. And so they proceeded, as other Parliaments have done to the Tryal and Condemnation of Offenders, before they would consider of of a Subsidy, and thereby warded off a heavy Tax from the People.

I thought fit at this time to present to the Publick, only this short Collection out of our Statutes, Parliament Rolls, and Law-Books: but a kind Reception of this may encourage me to proceed further for the benefit of my Country-men.

A LETTER to a Friend in the Country.

SIR,

YOU are pleas'd to observe in your Letter, That it was the general Sense and Discourse in the Country, during the Queens Sickness, that in Case she should then happen to dye they must go to a new *Election* of Members, for that her Death would make a *Dissolution of the Parliament*: And this you say was held so plain a Case, that you did not perceive that any body made any doubt of it, but was taken by all for Granted; and that therefore you were not a little surpriz'd to hear the Parliament were still Sitting, notwithstanding her *Death*: And the more so for that you have not heard that either House so much as made any Debate or Question about it, either before or since her Death; which (as you are pleas'd to add) puts you upon a Request to me to know, How I conceive the Matter stands in the Laws of the Land, that you may a little understand whether your Representatives have dealt fairly with you? Now tho I might, in answer to what you say, only tell you, that it was then thought as plain a Case here among the *Lawyers*, and (as I have been inform'd) even among your very Representatives themselves, and thence conclude it vain and needless to send you any particular Opinion, especially of my own: Yet to let you see how well the Law of the Land, has provided for this Case, and that we are upon no Uncertainties in Law however we may be in Men, in a Matter of this high Consequence and Concernment to the Kingdom, I will endeavour (as briefly as I can) to lay the Law before you, in so plain and clear a Light, that you may evidently see that the Parliament be-

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came necessarily dissolv'd in Law by the Queens Death. Nowv you must know (whatever some may fancy) Parliaments are under the Directions and Restrictions of Common Law, as well as any inferior Court or Corporation. By the Law they have their existence, by the Law they Act, and by the Law they Cease: For the Being of a Parliament is a Legal Being, and therefore can no longer exist than the Law upholds them; they are the King's Writs that raise them, and call them together; 'tis under the immediate Influence, and legal Authority of these Writs, that they Sit and Act; and when these legal Writs, or the legal Authority they have by them, ceaseth, they necessarily cease too, and fall into dissolution: So that whether the two Houses now sitting in *Westminster* are a Parliament, or not, is altogether a Question of Law; and this, as I conceive, vwill chiefly, if not altogether, depend upon this Enquiry, Whether their vvrits, issued out in the Names of *K. William* and *Q. Mary*, vv ere not abated and determined in Law by *Q. Mary's* Death? For if they vv ere, there is nothing Legal left to support them, and consequently (vv hatever they may be else) can be no *Legal Parliament*; nor vv hat they Act, or pretend to Enact, have any force or validity in Law. Nowv in order to examine this Candidly and Impartially (for I utterly abhor all unfair or unfaithful dealing) I vv ill first set before you a true Copy of the Writ by vv hich this Parliament was called, and also so much of the late Act of Settlement of the Crovvn, i *W.* and *M.* as concerns this Question, that you may the more clearly Discern and Judg of vv hat I herein after say.

The Act i *W.* and *M.* first reciting the Donation of the Crovvn, and Royal Dignity, by the Convention to the Prince and Prince's of *Orange*, and that thereby they did become, and of right ought to be, our Sovereign Liege Lord and Lady, King and Queen of England, &c. in and to whose Princely Persons the Royal Estate, Crown, and Dignity of these Realms, with all Honours, Stiles, Titles, Regalities, Prerogatives, Powers, Jurisdiccions, and Authorities to the same belonging, are most fully, Rightfully, and intirely, Invested and Incorporated United and Annexed; then goes on, and says, That 'tis therein Enacted and Declared, That the Crown and Regal Government of these Realms, with all and singular the Premisses thereunto belonging, shall be and continue to their said Majesties, and the Survivors of them, during their Lives, and the Life of the Survivor of them; and that the intire and full excercise of the Regal Power and Government be only in and executed by his Majesty,

Majesty, in the Names of both their Majesties, during their Joynt-Lives, and after their Deceases the Crown and Premisses shall be and remain to the Heirs of the Body of her Majesty; and so on to the Princess Ann &c.

And the Writ is this :

Gulielmus & Maria, Dei Gratia, Angl, &c, Rex & Regina. Fidei Defensor. Vicecomit. B. salutem. Quia de Advancement & Assensu Consilii nostri pro quibusdam Arduis & urgentibus negotiis nos, Statum, & Defensionem Regni nostri Angl. & Eccles. Anglican. Concernen. quoddam Parliamentum nostrum apud Civitatem nostrum Westminster, vicesimo die Martii prox. futur. teneri ordinavimus, & ibidem cum Prelatis Magnatibus & Proceribus dicti Regni nostri Colloquium habere & tractatum. Tibi precipimus firmiter injungend. quod facta Proclamatione in Prox. Com. tuo post receptionem hujus brevis nostri tenend. de Die & Loco predictis, duos Milites Gladii Cinctos magis Idoneos & Discretos Com. predict. & de quolibet Civitate Com. illius duos Cives & de quolibet Burgo duos Burghenses de discretioribus & magis sufficient libere & indifferenter per illos qui Proclamatione hujusmodi interfuerint juxta formam Statuti inde Editi & provis. Elegi & nomina Eorundem Militum Civium & Burghens. sic Eligend. in quibusdam Indentur. inter te & illos qui hujusmodi Electioni interfuerint inde Consciend. licet hujusmodi eligend. presentes fuerint vel Absentes inseri eosque ad dictos Diem & Locum venire fac. Ita quod iidem Milites plenam & sufficientem potest. pro se & Comunit. Com. illius ac dicti Cives & Burghenses pro se & Communitate Civitat. & Burgor. predictor. divisim ab ipsis habeant ad faciend. & consentiend. his que tunc ibidem de Comunit. Consilio dicti regni nostri (favente Deo) Contingent. ordinari super Negotiis Antedict. Ita quod pro defectu potest. hujusmodi seu propt. improvidam Electionem Militum Civ. aut Burghens. predictor. dict. Negotia infecta non remaneant quovismodo. &c.

Now it will not be deny'd but that all Parliament Writs must Naturally, Necessarily, and Essentially, be derived and proceed from the whole and entire Sovereignty and Royal Dignity, and consequently these our Writs must necessarily have their Being and Authority as well from Q. Mary as K. William. because the Sovereignty and Royal Dignity, at the time of issuing these Writs were no less united and incorporated to the natural Person of Q. Mary than K. William. they Both then being actually and joyntly in the Possession thereof, however distinguished in the Exercise of them. And therefore the Clause for using her Name in the Exer-

cise of the Regal Power and Government, was not inserted in the said Act of Settlement as a Matter only of Respect and Deference, but as a thing Necessary and Essential to that Share of the Sovereignty wherewith her Person was invested; in respect of which Sovereignty so lodg'd in her, Treason no doubt might no less have been committed against her natural Person than against his. So that her Name was necessary to these Writs, *ex Essentia rei*; and the Writs could not have been sufficient or valid in Law, unless her Name had been used in them, and that although there had been no such Clause in the said Act for the using both their Names. Now therefore if the Validity of these Writs essentially consisted in their being in the Names of both, as proceeding from the Joynt Legal Authority of these two Joynt Sovereigns; and could not have been good in either of their Names alone for want of Legal Sovereignty enough in either of them to impregnate the Writs: Then must the Death of either necessarily Abate and dissolve these Writs, and the Parliament depending thereon; because the Sovereignty of the one, which necessarily went to the Authority and Support of these Writs, is demised or departed from the natural Body wherein it was invested, and consequently from these Writs. *Nihil enim tam Conveniens est Naturali Aequitate unumquodque dissolvi eo ligamini quo Constituitur*; as says *Bracton*. Nor is it any Objection to say That the Sovereignty vested in Q. Mary did, by her Death, become vested in K. William as Survivor, and the whole Sovereignty is now in him; unless any one could say, or think, that her Sovereignty which was of absolute necessity to make good these Writs, and which by her Death departed these Writs, could immediately again reenter into these very Writs; which would be very absurd to say. So that these Writs must either remain half alive, and half dead, or else must wholly abate and determine by the Queens death. And to shew you further that here was a Demise, and consequently a Dissolution, please to observe, That it is not the Kingship or So-

7. r. 10. b. *vereignty in Genere*, that preserves these Writs, for then they might be as durable as the Monachy it self; for the King *in Genere* never dyes, but these Writs depend upon the Continuance of the natural Person of the King *in Individuo* who issued them out; now the King who issued them forth was K. William and Q. Mary, (they both being but *un Roy* in the Sense of the Law) but this *un Roy* is Changed and gone by the Queens Death; unless

unless any one can say. That *K. William* alone is the same *Roy in Individuo* with *K. William* and *Q. Mary* Therefore here is a Demise of the Crown, and consequently an Abatment of the Writs; for where the Sovereignty cease to be *in Statu quo* but is become otherwise lodg'd and the Sovereigns stile altered and changed, by the Death of any natural Person invested with the Sovereignty, and a new Stile used in all Writs, Patents, and Acts of Government: such Change and Alteration is in Law a Demise, and what this Kindom ever took notice of as such? And if so, then certainly the Queens Death was a Demise, for thereby the Sovereignty became otherwise lodged than it was before; for the Sovereignty became wholly in *K. William*, whereas before he was but a Joyntenant with *Q. Mary*; and whereas before the Regal Stile was *K. William* and *Q. Mary*, now by her Death the Regal Stile is alter'd to *K. William* the III. and all this by the Act of God. So that all the Legal Demonstration that can go to the proof of a Demise of the Crown, proves this plainly to be one, and consequently the Parliament dissolved, if a Demise can do it. 'Tis not at all material to this Argument, how *K. William* now claims or holds the Crown; whether by Survivor, or otherwise; all that need be asked is but this, Whether or no any Sovereignty was vested in *Q. Mary's* natural Person, and whether the same be not thence departed by her Death? For if so, then according to our Laws (if the Law *Ploud. f. 117.* knows what a Demise is) there was a Demise *b. 234. a* and by her Death. 457. a.

As to the Power given *K. William* by this Act for his only exercise of the Regal Power, that, if it makes any thing, makes the Dissolution yet more evident; for that no ways altered or affected the joynt Lodgment or Settlement of the Sovereignty, but was only as in nature of a Warrant of Attorney, which by the express Limitation of the Act wholly determined by her Death, being Given only during their Joynt Lives. But *K. William* now has the sole Exercise, not by virtue of this Clause in the Act, but as resulting and flowing from his sole Title by Survivor; and therefore these Writs, if they were grounded or depended on his sole Exercise, must consequently be at an end for this Reason also.

Besides, from the very Nature of Joyntenancy, these Writs must be determined: For was it ever made a Question in Law where two Joyntenants grant any Authority to

any Person, or Persons, but that the Death of the one Joyntenant determines the Authority so granted? If two Joyntenants make a Letter of Attorney to any Person or Persons, to do any Act or Acts, is not the Death of one of such Joyntenants a Determination in Law of such Letter of Attorney? Suppose two Joyntenants of a 1 *Inst.* 186. a. Mannor grant the same to one or more Persons, and one of these Joyntenants dies, can the Grantees claim any more than a Moiety only as from the Survivor? For though a surviving Joyntenant may in some Cases claim wholly as immediately from the Donor; yet nothing is plainer in Law than that they that have any Grant or Authority from two Joyntenants, cannot afterward claim as from the surviving Joyntenant only, but must from both the Joyntenants respectively, according to their respective Interests and Estates. And therefore if the Parliament cannot now make good their Sitting, as if called *ab Initio* from K. William only (which he then alone had no Power to do) then certainly neither can the sole Title of K. William now by Survivor stand them in any stead.

You may please to observe further, That for the Parliament to continue longer than the Joynt Lives of K. William and Q. Mary, is as much contrary to the End and Intent of their Writs, as it is without any Authority from them. The Writ tells you, That they, *viz.* K. William and Q. Mary, for some high and urgent Matters concerning *themselves*, and the State and Defence of the Kingdom, &c. having by the Advice of *their* Council appointed a Parliament at *Westminster*, and there to have *Colloquium & Tractatum*, *i. e.* Conference and Consult with the Prelates and Great Men of their Kingdom, K. William and Q. Mary command the Sheriff to proclaim the same in his next County Court, after the Receipt of this their Writ, to cause two such Knights &c. to be chose, &c. as shall have sufficient Power for themselves, and the Commonalty of the County, &c. to do and consent to such things as shall fall out to be ordain'd by the Common Council of their Kingdom upon the Matters aforesaid, &c. And the Knights, &c. after they are chose by virtue of the Writ, have by Indenture full Power given them by the Electors of the County, &c. for themselves, and the whole County, to do and consent as aforesaid.

Now the Power and Trust given by the Electors to the Knights, &c. are conform and correspondent to the Power requir'd by the Writ, and that is, to Represent them to K.

K. *William* and Q. *Mary* jointly; and to do and consent to such things as shall be ordained, as well concerning K. *William* and Q. *Marys* Persons, as the State of the Kingdom; therefore when either of their Persons fail, this Power and Trust given by the Electors must fail and determine; for this being but a bare Authority must be strictly observed and pursued. Now that this intends their particular natural Persons, nothing can be more evident, unless the Prelates and Great Men could have *Colloquium & Tractatum* with their Politick Capacities. So that the Power these Parliament Men had from the People, of Representing and doing for them, is at an end; unless they could still represent them to, and consent and do, as well for Q. *Mary* as K. *William*; which was what the writs required, and the People Chose and sent them for. If the Parliament when they made this Act of Settlement would have had a Parliament to continue in such a Case as this, they should have made Provision for it in the Act, and have given Power for the making of such Writs as would have served on such an Occasion, and then the People would have directed their Choice of Representatives, and impower'd them accordingly; but without an Act of Parliament the Ancient Writs cannot be alter'd any more than any other part of the Common Law: Neither could the People give their Representatives any other Power than the Writs required, and these only go to K. *William* and Q. *Mary* jointly, and not to the Survivor of them. Besides, if the Death of the Queen did not dissolve this Parliament, then certainly neither could K. *William's*, in Case he had hapned to dye first: (For she had the better Estate in the Sovereignty, as having an Estate tail to some Purposes executed in her, which in Case she had surviv'd had been executed to all Purposes.) And if so, then was here a Power in them of Holding the same Parliament during their Joynt Lives, and the Life of the longer Liver of them; and by the same Reason, if the Regal Power had after the same manner been settled also on the Prince and Princess of *Denmark*, and Duke of *Glocester*, and Twenty more, the same Parliament might continue during all their Lives, and the Lives of the Survivors and Survivor of them; and consequently there would have been an End of the Peoples Elections for one Age at least, unless the Person who for one Age at least, unless the Person who for the time being should have the Exercise of the Regal Power, should think fit to dissolve them. Of what ill Consequence it may be to the Monarchy,

Monarchy, for Parliaments once to begin to survive Demises of the Sovereignty, I will neither Consider nor Examine, confining my self altogether to the Matter of Law. Only I will say, with the Lord Chief Justice *Coke* (4. *Inst.* 37.) That the more High and Absolute the high Court of Parliament is, the more Just and Honourable ought it to be, and give Example of Justice and fair Dealing to the Kingdom. And as *Fleta* says of Kings, so it may be said of Parliaments too, they are *sub Deo & Lege*: (As here the Parliament is dissolved in Law by the Act of God.) And though, as Sir *Robert Atkins* says, a Power limited by Law may be thought *potestas Minor; sed tutior & diuturnior*.

The Parliament Writs, and the Legal Certainty of them, is all the Legal Security the People have for the great Trust and Concernment they commit to Parliaments; and if these are once exceeded, and a Parliament got beyond the Boundaries of them, and consequently of the Law, they may for all that can be said as well continue to Sit after the Deceases of both *K. William* and *Q. Mary*, as after the Decease of either; for no one can determine who or what can make them cease and dissolve, when the Law cannot.

To add yet one Consideration more; I would fain know how any Laws can be enacted by the Legal Consent of this Parliament, but only such as receive their Sanction from the Authority both of *K. William* and *Q. Mary*? For the Writs neither speak of, or imply any other; neither by the People are their Representatives Chosen or Impowered to Consent to any other, but expressly by the Peoples Indenture annex'd to the Writs Impowered only by them to Consent to such things as shall be ordained at the said Parliament of *K. William* and *Q. Mary*, mentioned in the said Writs. Now could this be any longer called the Parliament, of *K. William* and *Q. Mary*, than whilst *Q. Mary* was alive?

Besides, it has ever been steady standing *Hob. III. and Rule in all Parliaments, and the Law, That 222. Plou. 79.* Acts of Parliament must relate to the first Day of the Session; so that what can't relate to the first Day of the Session can be no Acts. And I think no one will say, That Acts made now under the Reign of *William* the III. can have any Relation in Law to the first Day of the Session which was in the Reigns of *K. William* and *Q. Mary*, any more than they can relate to *William* the Conqueror.

SIR,

I could say much more to let you see how plainly and Certainly the Laws of the Kingdom have fixed and fenced the Legal Limits and Boundaries of Parliaments, and how evidently and inevitably, by the Queens Death, the Parliament was dissolved in Law; but supposing I have said more than enough already, to satisfy you that there is foundation sufficient in the Law for the Assurance you had in the Country of the Parliaments Dissolution by the Queens Death; and therefore I shall add no more, but that I am.

Your faithful Servant.

The Desertion Discuss'd, In a Letter to a Country Gentleman.

SIR,

I Don't wonder to find a Person of your Sense and Integrity so much surpris'd at the Report of the Throne's being declared Vacant, by the lower House of the Convention: For how (say you) can the Seat of the Government be Empty, while the King, who all grant had an unquestionable Title, is still Living, and his Absence forced and involuntary; I thought our Laws, as well as our Religion, had been against the Deposing Doctrine; therefore I desire you would Expound this State Riddle to me, and give me the Ground of this late extraordinary Resolution. In answer to your Question you may please to take notice, that those Gentlemen of the Convention, and the rest of their Sentiments, who declare a Vacancy in the Government, lay the main stress of their Opinion upon his Majesties withdrawing himself: For now, especially since the Story of the *French League*, and the business of the Prince of *Wales*, are pass'd over in Silence, most Men believe that the pretended Breach of that which they call *The Original Contract* was designed for no more than a popular Flourish.

And that you may not be shocked by seeing the Votes of so considerable and publick a Meeting debated by a private hand,

hand, give me leave to remind you, that a Parliament, and a Convention, are two very different things: The latter, for want of the King's Writs and Concurrence, having no share in the Legislative Power. If it's urged, that the present Posture and Exigence of Affairs, is a sufficient Dispensation with the usual Preliminaries and Forms of Parliament. To this I am obliged to answer that this pretended Necessity is either of their own Making, or of their own Submitting to, which is the same thing; and therefore ought not to be pleaded in Justification of their Proceedings. For if his Majesty had either not been driven out of his Dominions, or invited back upon honourable Terms, they need not to have had recourse to these singular Methods. And since they have neither the Authority of Law, or Necessity, to support their Determinations, I hope they will not think themselves disobliged, if they are inquired into; and some part of that Liberty which they have taken with his Majesty be returned upon themselves. For all private and authorized Opinions are to be regarded no farther than they prove their point. Like Plate without the Royal Impression, they ought not to be obtruded for currant Coin; nor rated any higher than the intrinsic Value of the Mettal. Let us examine therefore, if his Majesty has done any thing which imports, either in it self, or by necessary consequence, that he has voluntarily Resigned his Crown, and Discharged his Subjects of their Allegiance. Now the Author of *the Enquiry into the present State of Affairs, &c.* for whose Judgment the Commons seem to have a very great Regard, as appears from their Concurrence with him: For their most considerable Votes are, in a manner transcribed from his 11th. Paragraph. This Author tells us, Pag. 5. *That when a King withdraws himself, and his Seals, without naming any Persons to represent him, the Government is certainly laid down and forsaken by him. Though afterwards he is so good natured as to add, That if any imminent present Danger, or just Fear (though indeed a King can never be decently suspected of that; I suppose his Reason is, because Kings are invulnerable) had driven his Majesty away, it might seem a little too hard to urge this too much.*

In order to the confuting this Notion, I shall prove in the

First place, That his Majesty, before his withdrawing, had sufficient Grounds to make him apprehensive of Danger, and therefore it cannot be called an *Abdication*.

Secondly,

Secondly, That the leaving any Representatives behind him was impracticable at this Juncture.

Thirdly, That we have no Grounds, either from the Laws of the Realm, or those of Nature, to pronounce the Throne void, upon such a Retreat of a King.

But before I do this, its not improper to observe, That this pretence of a Demise, if it signified any thing, cannot effect *Scotland* or *Ireland*: Not the first; For there his Majesty's Commissioners acted in the usual Manner, till they were disturbed: Nor the second, For that Kingdom continues still under the Regular Administration of the Lord Lieutenant. Neither is it sufficient to say, that *Ireland* is an Appendage to the Crown of *England*, and therefore it must follow its Revolution. For allowing a Demise was really consequent upon a Failure of Seals and Representatives; yet there would be no colour to apply it to a Case where there was no Omission. For no Forfeiture ought to be stretched beyond the Reason upon which it is grounded. But this only by the way. I shall proceed to prove the first thing propounded, *viz.* That his Majesty, before his withdrawing, had sufficient Grounds to make him apprehensive of imminent Danger.

We are now fallen upon Time in which the most extravagant and almost impossible things are swallowed without Chewing, and the plainest Truths outfaced and denied; as if Evidence was an Argument against Proof, and Absurdities the only Motives of Credibility: So that now, if ever, we seem fit for Transubstantiation. Had not some Men believed this true, in a great Measure, they would never have disputed against matter of Fact, which was done almost in the Face of the whole Kingdom. To speak to the present Case; Had not his Majesty great Reason to retire, to secure his Person and his Honour, at his first withdrawing from *Whitehall*? which is the time from which our Author dates his pretended Desertion (for he will not allow him to be King at his return) I say, had not his Majesty great Reason to retire when he had met with so many unfortunate Disappointments, with so many surprizing and unparallel'd Accidents? When part of the Army was revolted, and the Remainder too apparently unserviceable? When the People had such fatal and unremovable Prejudices against his Majesty's Service? When there were such terrible Disorders in the Kingdom, and all Places were either flaming or ready to take Fire? What should a Prince do,

do, when he had scarce any thing left him to lose but himself, but consult his Safety, and give way to the irresistible Evil? But our Author pretends the King's Affairs had a much better Aspect; Let us observe how he proves it. Why he tells us, *That when the Prince of Orange's Proposals came to his Majesty, the Army and the Fleet were left in his Hands.* They were so, that he might pay them for the Prince's Service; for they owned his Majesty's Authority scarce any other way than by receiving his Money, and eating up his Meat. (It's to be hoped they have since repented of their Actions.) But the Enquirer goes on with his Inventory of *Forts and Revenues*; which the King was to have still. He may know, if he pleases, that we have but Four considerable Forts in the Kingdom. Now *Hull* and *Plimouth* had already disposed of themselves, and the Tower of *London* was demanded for the City; so that there was none but *Portsmouth* remaining. And as for the *Revenues*, it's to be feared, the Northern Collections would have been almost as Slender as those in the West. And now one would think our Author began to relent: For he owns, *that some things, which the Prince of Orange proposed, may be called hard; viz. his demanding that the Laws against Papists which were in Employment might be executed.* But the Enquirer is much mistaken, if he thinks the Prince of Orange insisted upon no more than the bare Execution of the Law in this point. For the Disbanding of all Papists (which was part of his Proposals) is much more than what the Law requires; by which the Papists are only excluded from Offices of Command, and Trust. But neither the Test-Acts, nor any others, bar the King from Lifting them as common Soldiers. And lastly, to deliver up his best Magazine, and the Strength of his Capital City; To be obliged to pay a Foreign Army, which came over to enable his Subjects to drive him out of his Dominions, were very extraordinary Demands, and looked as if there was a design to reduce him as low in his Honour, as in his Fortune. To forgive a Man who endeavoured to Ruin me, is great Christian Charity; but to Article away my Estate to him, because he has Injured me, is such a Mortification as no Religion obliges us to. This is in effect to Betray our Innocence, and Sign away the Justice of our Cause; and own that we have deserved all that hard Usage which has been put upon us; so that it's easie to imagine what an unconquerable Aversion the Spirit of Princes must needs have to such an Unnatural Penance. In short, when the Forts and

Revenue

Revenite were thus disposed of; when the Papists were to be Disbanded, and the Protestants could not be trusted; when the Nation was under such general, and violent Dissatisfactions; when the King, in case of a Rupture (which was not unlikely) had nothing upon the Matter but his single Person to oppose against the Prince's Arms, and those of his own Subjects; when his Mortal Enemies, and those were under the highest Forfeitures to his Majesty, were to sit Judges of his Crown and Dignity, if no farther; when Affairs were in this Tempestuous Condition, to say that a Free and Indifferent Parliament might be Chosen, with relation to the King's Right, as well as the Peoples; and that His Majesty *had no just visible Cause to apprehend himself in Danger*, is to out-face the Sun, and to trample upon the Understandings, and almost upon the Senses of the whole Nation.

2. It's not improper to examine what doughty Reasons the Enquirer advances to prove, the *Kings coming from Faversham to White-hall to be no return to his People*. The reason of his affirming this is apparent; He is sensible what singular usage his Majesty met with, and therefore he would ain unking Him, that it might the better suit with his Character. But, pray, what had the King done to incur a Forfeiture by his first Retirement? Had he quitted the Realm? If that was material, it cannot be alleadged, for his Majesty, was no farther off than the Coast of *Kent*. Did he refuse to take Care of his People any longer, when the Lords went down to invite him to *White-hall*? No: If he had, he would not have come back when he was at his Liberty. His return, after some Assurances of fair Treatment, is a plain discovery of the Motives of his withdrawing; and that he came up with an intention to Govern. For, I believe, few People imagine that his Majesty would take such a Journey, only to have *Dutch* Guards clap'd upon him; to be hurried out of his Palace, and carried Prisoner down the *Thames* at Noon Day. But *the Seals never appeared*. What time was there for them in 24 Hours? Besides there was an Order of Council with his Majesty at the Head of it, for suppressing the *Mobile*, Dated *Decemb. 18.* which was the next Day after his Majesty's return. And when he was sent back to *Rocheſter*, he might plainly perceive his Government was at an End for the present, For the Tower was Garrison'd by foreign Forces: The Lords published an Order by their own Authority, to oblige the Papists to depart the Town: The

The City made an Address to the Prince of *Orange*, which was a Virtual acknowledgment of his Power; and Associations came up to that purpose out of the Country; (*Cambridge-shire* Address) not to omit that his Majesty was denied a small Sum of his own Gold to heal with; As if they had rather poor People should Perish with Boils and Ulcers, than shew common Justice and Humanity to their King. From all these remarkable Circumstances, his Majesty might easily guess how they intended to dispose of him: For no Man in his Senses, who has treated a Prince so Contemptuously in his own Kingdom, will ever permit him either Power, or Liberty, for fear he should remember his former Usage. From what has been said, it's most evident, that his Majesty had all imaginable reason to provide for his own Security in some other Country.

And since his Majesty had sufficient reasons to withdraw, there can be no pretence for an Abdication: For we are to observe, that to Abdicate an Office, always supposes the Consent of him who Quits it. That this is the signification of the Word *Abdico*, appears from *Tully*, *Salust* and *Livie*; to which I shall only add the Learned *Grotius*, *De jure Belli*, &c. *Libr. 1. Cap. 4. Sect. 9.* Where he makes Abdicating the Government, and plainly Giving it up, to be *Terms* of the same importance.

And to prevent unreasonable Cavils, he adds, that a Neglect, or Omission in the Administration of Government, is by no means to be interpreted a Renunciation of it. We have but two Instances with us which looks like an Abdication since the Conquest; which are in the Reign of *Edward II.* and *Richard II.* both which were unjustly Deposed by their Subjects. However they did not renounce their Allegiance, and declare the Throne void, till they had a formal Resignation under the Hands of both those unfortunate Princes. And hence it appears how unlucky our Enquirer is in citing the Laws. For *Pag. 12.* He tells us, *that since these two Princes have been judged in Parliament for their Male Administration, and since these Judgments have never been vacated by any subsequent Parliaments; these Proceedings are part of our Law.* From hence I observe,

1. That our Author contradicts himself. For here he owns that Male Administration is sufficient to warrant Deposition, and Resistance. But in his Enquiry into the Measures of Submission, &c. (For both these Papers are generally supposed to come from the same Hand) *Pag. 5. Par. 14.* He

Burnett.

He is much kinder to the Crown; for there he asserts, *That it is not Lawful to resist the King upon any pretence of Ill Administration, and that nothing less than subverting the Fundamentals of Government will justify an Opposition.* Now I am much mistaken, if Deposing of Kings is not Resisting them with a Witness. But besides his self Contradiction; the case is not to his purpose: For,

1. These Parliaments were called in Tumultuous times, when the Subjects were so hardy as to put their Kings under Confinement. Now if it is against the Constitution of Parliaments to Menace the Two Houses out of their Liberty of Voting freely, then certainly Kings ought not to be overawed by Armies, and Prisons. These Parliaments therefore are very improper to make Precedents of.

2. These Princes were wrought upon so far, as to resign their Crowns, which each of them did, though unwillingly; Let this Enquirer produce such a Resignation from His Majesty, and he says something.

3. He is much mistaken in saying *these Judgments*, as he calls them, *have not been vacated by subsequent Parliaments.* For all those subsequent Parliaments, which declare it Unlawful to take up Arms against the King, do by necessary implication condemn these Deposing Precedents; for it's impossible for Subjects to Depose their Princes without Resisting them.

2. By Act of Parliament the First of *Edw. 4.* yet remaining at large upon the Parliament Rolls, and for the greater part recited *verbatim* in the Pleadings in *Bagett's Case*, in the year Books (*Trin. Term. 9. Edw. 4.*) The Title of *Edw. 4.* by Descent, and Inheritance, is set forth very particularly; And that upon the Decease of *Rich. 2.* the Crown by Law, Custom, and Conscience, Descended and belonged to *Edmund*, Earl of *March*, under whom King *Edw. 4.* claimed.

It is likewise further declared, That *Hen. 4.* against Law, Conscience, and Custom of the Realm of England, Usurped upon the Crown and Lordship thereof, and *Hen. 5.* and *Hen. 6.* occupied the said Realm by Unrighteous Intrusion, and Usurpation, and no other wise.

And in *39. Hen. 6. Rot. Parl.* when *Richard Plantagenet*, Duke of *York*, laid claim to the Crown, as belonging to him by right of Succession it was,

1. Objection in behalf of *Hen. 6.* that *Hen. 4.* took the Crown upon him as next Heir in Blood to *Hen. 3.* not as Conqueror.

To

To this it was answered, That the pretence of Right as next Heir to *Hen. 3.* was false, and only made use of as a Cloak to shadow the violent Usurpations of *Hen. 4.*

2. It was Objected against the Duke of York, That the Crown was by Act of Parliament Entailed upon *Hen. 4.* and the Heirs of his Body. from whom King *Hen. 6.* did Lineally Descend. The which Act (say they, as is in the Record) is of Authority to defeat any manner of Title. To which the Duke of York replied; That if King *Hen. 4.* might have obtained, and enjoyed the Crowns of England and France by Title of Inheritance, Descent, or Succession, he neither needed, nor would have desired, or made them to be granted to him in such wise, as they be by the said Act, the which takes no Place, nor is of any Force or effect, against him that is right Inheritor of the said Crowns; as it accordeth with Gods Laws, and all Natural Laws. Which Claim and Answer to the Duke of York, is expressly acknowledged and recognized, by this Parliament, to be Good True, Just, Lawful and Sufficient. Cotton's Abridgment. Fol. 665, 666.

From these Recognitions is plainly follows.

1. That the Succession cannot be interrupted by an Act of Parliament, especially when the Royal Assent is given by a King *De Facto.* and not *De Jure.*

2. The Act 9. of *Edw. 4.* by declaring the Crown to Descend upon *Edmund*, Earl of *Morch*, by the Decease of *Rich. 2.* does evidently imply, that the said *Richard* was rightful King during his Life and consequently that his Deposition was Null, and Unlawful.

If it's demanded, Why his Majesty did not leave *Seals and Commissioners* to supply his Absence? This Question brings me to the Second Point, *viz.* to shew.

That the leaving sufficient Representatives was impracticable at this Juncture. For,

1. When the Nation was so much embroiled, and the King's Interest reduced to such an unfortunate Ebb; it would have been very difficult, if not impossible, to have undertaken such a dangerous Charge. That Man must have had a Resolution of an extraordinary Size who would venture upon Representing a Prince who had been so much disrespected in his own Person; whose Authority had been set aside, and his Ambassador clapt up at *Windsor*, when he carried not only an inoffensive, but an obliging Letter. But granting such a Representation had been engaged in; the Commissions must either have extended to the Calling of

Parliaments

Ld Faversham.

Parliaments, or not: if not, they would neither have been Satisfactory, nor absolutely necessary. Not Satisfactory; for the want of a Parliament was that which was accounted the great Grievance of the Nation, as appears from the Prince of *Orange's* Declaration. Where he says expressly, *that his Expedition is intended for no other Design but to have a Free and Lawful Parliament assembled, as soon as is possible* Declar. P. 12.

Secondly, This Expedient was not absolutely Necessary; for the Administration of Justice might have proceeded Regularly, without any such Deputation, by Virtue of those Commissions which the Judges and Justices of the Peace had already from the King. This I shall prove,

1. From a parallel Instance; King *Charles* the I. took a Journey into *Scotland* in 41, during the Session of Parliament at *Westminster*; where though he appointed Five Lords to sign Bills in his Name (The Continuation of *Bak. Chron.*) yet the Judges and Justices acted by Virtue of their former Commissions, without any new Authority from any Representatives of his Majesty. Now *Scotland* is as much a distinct Kingdom from *England*, as *France*; and *France* as much his Majesty's Dominions as *Scotland*: And therefore if Commissions will hold in the King's Absence in one Place, why not in the other?

Secondly, The present Judges met in *January* last at *Westminster*, to dispatch, some Business in order to keep the Term but were forbidden to proceed by the Prince of *Orange's* Secretary: So that it is plain, it was the Opinion of these Reverend Judges that their Commissions from his Majesty were still in Force. But in the next place.

If his Majesty had deputed any Persons to Represent him in Parliament, this Method would have been attended with new and insuperable Difficulties. For,

1. If they had been Limited they would not have given Satisfaction: For it being impossible to foresee the Business and Votes of a Parliament at a distance; If they had been restrained to certain Points, in all probability they would have wanted Power to have passed all the Bills, and so their Deputation would not have Answered the Desire of the Houses, and the greatest part of their Grievances might have been counted unredressed. If it's said that the Parliament might have requested an Enlargement of their Commission from his Majesty. To this I Answer, That the Convention may send to his Majesty for an Expedient

now if they please. And, I hope, they will; for I hear his Majesty has been so gracious as to send to them. But,

2. If these Commissioners were unlimited; it would be in their Power to do a great many things prejudicial to the Crown; In such a Case they might alter the Monarchy into a Common wealth, or Sign the Deposing of his Majesty, if such Bills should happen to be offered. And though there may be many Persons of Honour, and Conscience enough, to lodge such a Trust with: Yet in regard his Majesty has been lately mistaken in some, of whose Fidelity he had so great an Assurance, he has small encouragement to be overconfiding for the Future. Indeed no Wise Prince will Trust so vast a Concern, as a Kingdom, with the Honesty of another, especially when many of his Subjects are Disaffected, and in a Ferment. So that nothing can be more unreasonable than to expect such Plenipotentiary and Absolute Commissioners.

3. I shall prove in the last place, that we have no Grounds, either from the Laws of the Realm, or from those of Nature, to pronounce the Throne void, upon such a Retreat of a Prince as we have before us.

1. To begin with the Laws of the Realm, which are either Acts of Parliament, or those we call Commons-Laws. Now there is no Statute, so much as pretended, to support this Deserting Doctrine; and if there was, it's certain no such can be produced. Indeed a Prince must be very weary of Governing, and void of the common Inclinations of Mankind; who would Sign a Bill of this Nature, and give his Subjects such a dangerous Advantage against himself, and his Posterity.

Neither has this Opinion any better Countenance from Common Law: For Common Law is nothing but Antient Usage, and Immemorial Custom. Now Custom supposes Precedents and Parallel Cases: But it's granted of all Hands, that the Crown of *England* was never judged to be Demised, by the withdrawing of the Prince before now. And therefore it follows, by undeniable Consequence, that this Opinion can have no Foundation in the Common Law, because there is not so much as one Ruled Case to prove it by. Nay, our Laws are not only silent in the maintenance of this Paradox, but against it, as I shall make good by two Precedents.

1. From the Case of *Edward* the Fourth, who having not sufficient Force to Encounter the Earl of *Warwick*, who had raised an Army for King *Henry*, was obliged to fly the Kingdom

Kingdom; but that he deputed any Persons to Represent him, our Histories don't give us the least Intimation: Neither was it objected at his return, that he had Abdicated the Government, by omitting to Constitute a Regent. Neither is it material to Object, that all Disputes of this Nature were over-ruled by his Victorious Army; For if it had been the known Law of this Realm, that a Prince had *ipso facto* forfeited his Crown by going beyond Sea, without leaving a Deputation, though his Departure should happen to be Involuntary: If this, I say, had been the Law of the Kingdom, it would not only have been a great Advantage to Henry the Sixth, and made the Nation ring of it (of which there is *altum Silentium*;) but we may be well assured, King Edward would not have confer'd Honour, worn the Crown, and taken the State and Authority of a King upon him, till he had been reestablished by Parliaments. But that he did Exercise all Acts of Sovereignty before the calling of a Parliament, appears from *Daniel, Scro, and Baker*. And when the Parliament was Convened, those who had taken up Arms against him were found Guilty of Treason, and his Adherents were restored to Blood and Estate (*Daniel*.) But there was no Confirmation, or Settling of his Title, which is a Demonstration there was no need of it; and that this Abdicating Doctrine was perfectly unknown to that Age.

2. To come nearer our own Times, what Seals, or Commissioners did *Charles* the Second leave behind him after Worcester Fight; And yet, I believe, no Mortal ever urged this as an Argument against his Restauration. If it be Answered, that there was much more Danger in this case, than in that before us. To this I reply, that if we Examine the Matter more narrowly, we shall find the disparity very inconsiderable. For was there not a numerous Army of Foreigners and Subjects in the Field, against his present Majesty at his retiring? What Power or Authority, or so much as Liberty was there left him? And I am afraid that at that time he had fewer Friends to stand by him, than his Brother after that unfortunate Battel in 51.

And since this pretended Dereliction has no manner of Protection from the Constitution, it has no other Refuge but the Laws of Nature to fly to; but a very little Storming will serve to drive it from this last Retrenchment.

For the Law of Nature is nothing but the Reason of the Thing. Now impartial Reason has always a regard to the Circumstances of Action, and makes Allowances for Surprise, for

Straitness,

Straitness of Time, for Resentment upon extraordinary Provocation; and never take advantage of an Omission, which may be fairly Interpreted, from any, or all, of these Causes. I mention this, not that the present Case needs any such Allowance, but to show that the Law of Nature would Admit it, if Occasion required. 'Tis true, written Laws, either through the Ambiguity of the Words, or the defectiveness of the Sense, are often abused by ill Men, and wrested contrary to the Design of the Legislators: But the Law of Nature is not tyed up to the Alphabet, nor bound to determine by the Imperfections of former Ages. Therefore this principle will give the Enquirer no *just Advantages* against his Majesty; for Equity has no Quirks in it, nor ever lies at Catch. Reason is always just and generous, it never makes Misfortune and Accusation, nor judges in favour of Violence. Indeed, what can be more Unrighteous (though the Case was private and inferior) than that any one should suffer for being Injured, and be barred his Right for the Faults of others? If a Man should forfeit his House to those who set it on Fire, only because he quitted it without giving some formal Directions to the Servants; and be obliged to lose his Estate, for endeavouring to preserve his Life. I believe it would be thought an incomprehensible sort of Justice. If to proceed in this manner be not to establish Wickedness by a Law, I have done. If Princes may be thus roughly treated, their Birth is a Misfortune to them; and, we may say, they are Crown'd rather for Sacrifice than Empire. At this rate, the People must e'en Govern themselves, for the Throne will be a Place of too much Danger to sit on any longer. We have an Excellent Church, and we do well to take due Care to continue its Establishment; but to dispossess our Prince, upon this Score, has as little Divinity as Law in it. To endeavour to preserve our Religion by such Methods will make it more Fatal to us in the event than Atheism itself. 'Tis a mistake to think the World was made for none but Protestants; and if Dominion was founded in Grace, I am afraid our share would not be great in the Division.

If it is Objected, that his Majesty's not sending to his People, upon this Removal, is an Argument that he intended to govern them no longer. To this I Answer,

1. That I am pretty well assured, that no Man, who makes this Objection, believes the truth of it; and therefore I might safely leave it to his own Conscience to confute him.

Secondly

Secondly, His Majesty was scarcely Landed in *France* before the Administration was conferred upon the Prince of *Orange*, which Action might very well discourage his Majesty from sending any Messages so soon as he intended : But since, it's known, his Majesty has sent Letters (if not to the Privy Council, as some affirm, yet) to the Convention.

Thirdly, Those who were the Occasion of his Majesty's Departure should (one would think) have waited on him, and invited him back. For without Question the injuring Person ought to make the first step towards an Accommodation, especially when the Wrong is done to his own Prince. Now whether his Majesty has been well used in this Revolution, or not, I leave the World to judge now, and I doubt not but God will do it afterwards.

Thus (SIR) I have ventured to give you my Thoughts upon this Subject ; and am,

Affectionately yours

A Letter out of the Country, to the Clergy in and about the City of *London*.

THO you are as wise as *Serpents*, and not altogether as innocent as *Doves*, yet since the Glory of God, the Good of your own Souls, the Prosperity of the Church, and the Peace and Safety of this Nation does require it, we will make bold to speak to you in few words, what others, who have less Esteem for your Vocation, do inculcate in harsher terms, and with much higher Strains of Rhetorick. We know that most of you are Men of no contemptible Learning, and undoubted Abilities, for the work of the Ministry ; to which, God of his Bounty has added, large Preferments, crowded Auditories, great Reputations abroad, and much greater Expectation of further Advancement at home : so that nothing but Integrity can be wanting, to render you the most happy and most considerable Men in the World. But when we reflect upon the ways and means by which you raise your selves to this *Grandeur*, and continue your selves in it, and compare 'em with those your selves made use of in the *Late Reigns*, we have great Reason to suspect, that *That one thing necessary* is wanting to those who abound in all others, to their own Shame, and to the unconceivable Damage of the Church of God. We know very well, what *Articles* you have

subscrib'd, by what *Canons* you are bound, to what *Laws* you owe Obedience, and what great things most of you have spoken, in the late Reigns, of the excellent Constitution of the Church of *England*, as it is still by Law established amongst us. We therefore justly wonder, what secret Influence has turn'd the Tide of your Affections; for we observe not only an Abatement of your Zeal, but a very sensible Ostentation of that Abatement, and that you not only seem to affect and court the Name of moderate Men, but pursue it by such Methods as we cannot conceive to be at all consistent with the Sincerity of the *Christian* Religion. For (not to mention any thing that belongs to the Civil State) in the very Church of God we find the Name of Moderation is hunted after by these following Arts.

1. Some of you seldom or never will venture to use any Arguments to convince *Dissenters* of the Lawfulness and Excellency of those Constitutions to which your selves have subscribed; but passing that by as needless (or rather as dangerous) you run into General Proofs and Commendations of the *Christian* Religion, Exhortation to Virtue, or Encomiums of some particular Great Person or Government; and so dismiss your Congregations, with the general Applause of all the Hearers, as well of those who love our Church, as of those who are disaffected to it. We know also, that very specious Reasons are urged by your Friends for this kind of Trimming Behaviour. They say, that it is your Duty rather to preach practical than controversial Points; that railing at Dissenters frights those from the Church which otherwise might sometimes drop into it; that it argues Passion and Choler, to dive into the Faults of others; and, that Charity covers a multitude of Sins. But pray satisfy your own Consciences, whether the Convincing Men of the Necessity and Benefit of coming to the publick Liturgies and Sacraments of our Church, is not the teaching them a practical Duty? Whether needless Separation is not a Crime in Morals? and, whether God has set you over his Church to convince Men of Criminal Errors, or rather to connive at them? Some of you have ascended the Episcopal, I will not say the *Metropolitan Chair* (and all would do it as soon as you could) do you think Presbyterian Ordination as valid as your own? If you do, with what Face can you take the Revenues of an Episcopal Chair, that signifies no more than a Joint-Stool, if Presbyterian Ordination is as valid as Episcopal; for Jurisdiction is communicable, and

in our Church is actually communicated, to the Order of Presbyters, as well as to the Episcopal Chair; and then as St. Jerom says, what does the Bishop besides Ordination more than the Presbyter? If you think the Ordination of the Presbytery not so valid as the Episcopal, why are you afraid to speak of it in the Pulpit, and admonish your Flocks not to go to those Pastors who have no Legal Authority committed to them. This is only an Exhortation to a Practical Duty, and such a Duty too, as belongs to Men, not as Men (as Charity, Justice, and Temperance) but as Christians, lying under an Obligation to Catholick Communion. Suppose you could prevail with your People, to come constantly to the prayers of our Church, to join there with true and fervent Devotion, and to receive frequently the holy Communion, with Prostration of Soul and Body; would not this be the most practical Exercise of Christianity? introductory to Charity, and all other Virtues, that spring from a genuine Piety? If touching upon *Controversie* be criminal, How can you defend your Heats against Popery in the late Reign? or, how are you not afraid to offer at any Proof of the Christian Religion, or Vindication of the Doctrine of the Holy Trinity, which is controverted by the *Jews, Theists, Pagans, and Socinians*? The Question is only this, Whether it is a Duty for all to join in Communion with our Church or no? If it be not, why do you continue in it? If it is a Duty, why are you so shy to let your People know it? Perhaps you will say, enough has been said upon that Subject already, and by some of your own Party published to the World; and we as easily answer, that enough has been published to the World about Justice, Charity, Mercy, or any other practical Subject you can choose; and therefore why do you continue to preach upon them, but because those that come to hear you do not know all that has been said or written upon those Subjects? Whilst the Law of Man was severe against Dissenters, most of you, we remember, were pleas'd in the Pulpits to be severer against Dissenters than the Laws themselves; and pray why so mute now? The Relaxation of a humane Penalty remits nothing of the Divine Obligation, of Submission to the Church of God. Perhaps you will say this is the best way to convince *Dissenters*, and bring 'em over to the Church; but how should Men come over to the Church, when they never hear you so much as once call to them; for ought they hear from you, they may as securely stay where they are (provided they pay Tithes and Contributions) as come over to you. As for what you pretend

pretend against Railing, viz. that it frights Men from the Church, we agree with you, that whether it has that Effect or no, all Railing is to be avoided, as repugnant to the meek Spirit of Christianity. But still Arguing is no Railing, and Preaching the Truth is no Injury to those that live in Error. The Apostles argued against the Deities of the *Pagans*, the Ceremonies of the *Jews*, the Corruptions of the *Pharisees*; yet they were no more guilty of Railing, than *Michael* the *Arch-Angel* when he contested with the Devil about the Body of *Moses*. To rail at any Man, is to ascribe Immortality to him; and thus they only rail at *Dissenters*, who ascribe their Separation to wilful Malice, Revenge, Hypocrisie, or some vicious Habit of Mind, which is known to God, but latent from the Sons of Men. We are therefore so far from abetting any railing against *Dissenters*, that we condemn all uncharitable Censures in the very Mind, and choose rather to believe that they are led into a *needless Separation* by *Prejudice of Education*, *Weakness of Judgment*, *Want of due Information*, or *Attention to better Instruction*: and therefore wonder you are afraid of using solid Arguments to those whom we presume willing to be convinced by the Word of God. Some of their Teachers are not favourable to you, notwithstanding your Silence; they teach their Members to call you *Limbs of Antichrist*, *Sons of the Whore of Babylon*, *Papists in Masquerade*, and other approbrious Names, which a wise or modest Man would be ashamed to mention. If therefore they continue to be so vocal, and you to be so mute; if the common People dayly perceive their Zeal in opposing the Church, and your Coldness and Indifference in the Defence of it; it is no wonder if they incline to that Party which speaks and acts most in its own Defence. We know indeed at this time of the day, if you should speak all that you are able to alledge in the Commendation of the Established Church (which God continue longer than you or we deserve) it would very much thin your Congregations, and diminish no small part of the *Leeturer's* Income: For if the *Fat Alderman* or *Common-Council-man*, that sleeps all the time of the Prayers, should happen to awake whilst you are touching on those Points, no doubt but he would remember to make some Deduction for it at the *Quarter-day*, or the Christning of the next Child. But what then? Must God always give place to Mammon? or think you that all Mankind is so blinded, that none perceive that herein you seek your own and not the things of

Jesus

Jesus Christ. You value your selves upon crowded Congregations, and are not a little puff'd up, that many who go to a Meeting one part of the Day, will come to hear you on the other. This you call bringing Dissenters to Church: But in what Sense can these Men be said to be brought to Church? If you mean, they are brought to stand within the Walls of the Building of the Church, so they were in *Oliver's* time, nay within the very Pulpits, and yet sworn at the same time to destroy the old Church of *England*. Dissenters are then brought to Church, when they are convinced of the Necessity and Expediency of Episcopal Government, the Lawfulness, Conveniency, and Plenitude of the established Liturgy, the Beauty and Innocence of our received Ceremonies, and the Sinfulness of making needless Separation from their Lawful Rulers in Christ, otherwise their coming to hear you Preach brings 'em not one step nearer the Church than they were before; for they hear little or nothing of the Church in it: Nay your Silence confirms their Prejudice, and gives that Opportunity to the Growth of Independency, that there is some Danger the Majority may (like their Brethren in *Scotland*) declare it most agreeable to the Inclinations of this Kingdom; and then farewell to all Beauty, Order, and Unity of Religion in this Nation. We will not urge, that your selves may lose your Preferments by the Bargain, tho it be *Argumentum ad hominem*, because you may perhaps find out some Expedient to save them; but this we say, that whilst you engross the best Preferments of the Church to your selves, and curry Favour with Dissenters by affected Silence, you act like some of our Common *Lamyers*, who take Fees of one Party to speak, and from the other to hold their Tongues. And in plain terms, be it spoken with all due Submission to your Learned Gravities, you do little better than cheat the Church of her Money.

Secondly, Another Artifice we condemn in you, is that pirespect you take care to shew to the *Publick-Prayers* of the Church, which is like tipping the Wink upon the *Dissenters*, to let them understand, that tho you have *subscrib'd* to the *Liturgy*, yet you have as little respect for it in your *Hearts*, as the most Zealous of their own Party. Some of you never vouchsafe to read the *Prayers*, tho by Law required at certain times to do it. Others shut your selves up in the *Vestry*, thinking it less Scandal to be found there with a *Glass* and a *Pipe*, than to be seen at the *Solemn Worship* of their

their God. Others, after the *Prayers* of the Church are ended, begin a long *Harangue* of your own, which is as much as to say, Beloved, you have been praying to God a long time in a dull formal way, let us now begin to praise God better. Others of you called to visit the Sick, humor the Dying Man with a long *Extemporary Effusion*, and so send him out of the World, well pleased with the *Gifts* and *Abilities* of the Minister, but more than ever *disaffected* to the *Rules* and *Methods*, practised by the Church in that Office. These Methods of *Popularity* we look upon as *Impious*, because to *Please Men* God himself is *affronted*, weak Members of his Church *scandalized*, the stronger much *disgusted*, and a wide Door thereby set open for *Fanaticism* or *Atheism*, or both together to rush in upon us. For the first you plead length of the *Prayers*, weakness of Body, multitude of Hearers, and the like Impediments of Flesh and Blood. These we are willing to allow, to some of you, and at some Times, but that they should be extended to so many, and so constantly, as we see they are, we can see no Reason, that is founded upon the Word of God. We think that offering up the *Prayers* of the Congregation is one of the most noble Offices of the Priesthood, of which few are worthy, and none can be too great for it. Your constant throwing that Office upon those of your Brethren, who as well for want of *Abilities* as *Preferment*, are least regarded in the Church, makes you indeed look Great in the Eyes of the Common People, who are generally apt to *worship* those, who most of all *worship* themselves; but take heed it does not render you little in the Eyes of God, who cannot but be angry at those who by such *fly Artifices*, *steal* away the Hearts of the People from his Solemn and Publick *Worship*. It is true indeed, that by drawing the affections of the People, from the *Prayers* to the *Sermon*, your Churches are more thronged, your Persons more admired, and sometimes your Bags better filled, than they would be by a conscientious discharge of your Duty, according to *Law* and *Canon*: But how in the mean time is God served, when his People are enticed from *Practise* to *Speculation*, from *Religion* in the End, to *Religion* in the Means, from the *Adoration* of God to the *Admiration* of Men? You pretend a necessity of shutting your Selves up in the *Vestry*, during the time of the *Prayers*, to prepare your Selves to deliver your *Sermon* with more Grace, *memoriter*: But this is an Excuse more becoming a *School-Boy*, than a *Grave Divine*. They whose Brains are so shattered by the *Prayers*,
that

that they must needs forget the *Sermon*, ought not to venture at all upon such an hazardous Performance: Nor can he think to do more good, by a *florid Sermon*, than he is sure to do ill, by so *bad an Example*. To make the *Applause of Men*, that are most taken with Circumstances that are least significant, the end of Preaching, is *Boyish* in those that know no better, and *Impious* in those that do. *St. Paul* advises the *Corinthians* to be Followers of him, but if your Congregations should be Followers of you, they must follow you into the *Vestry*, and leave the Service of God to the *poor Curate*, who is paid in this World but a very little for it. You please *Dissenters* by such Behaviour, and they in gratitude will come to your Sermons, but in the mean time you displease, those who are best affected to Religion, and to gain one Enemy, you drive away a thousand Friends. The Truth is, since such vast Care has been taken to make Men in love with the Circumstances of Religion, such as are florid Language, abstruse Notions, affected Gestures, and *Memoriter* Predications, we have lost the Substance of Religion, which consists in Piety to God and good works towards Man. You have tickled an Itch, that rather ought to be cured, and whilst you have made your Selves Great by Preaching, you have render'd Religion, Little, by reducing it to one Predicament, of hearing and applauding Sermons. As for those of you, who perhaps vouchsafe to be present at the Prayers of the Church, but endeavour to blot them out as it were with a Sponge, by some extemporary Effusions of their own; we desire such Men to consider, that tho' this may please some People extreamly, because it seems harder to invent than to read; yet hereby you serve your Selves and not the Church of God: For hereby you teach your Hearers, a Looseness in Divine Worship, a Contempt of established *Liturgies*, a *Saucy Familiarity* with God, and prepare 'em for the *Extravagancies* of *Mr. Burgess*, the *Heats* of *Mr. Lobb*, and the *Inspirations* of *Mr. Pen*, that transcendent *Animal*, whom none could ver yet reduce to its proper Species.

A Third Artifice we condemn in you, is the Zeal and *Forwardness* some of you shew, when called to be members of a *Convocation*, or to a higher Station in the Church, for *Alterations* in our *Liturgy* and *Canons*, and making us a *new Religion*, better suited to the *vitiating Palates* of this present Age. We are not averse to reasonable and necessary *Reformations*, and heartily wish it lay in the *Clergy's Power*, without

without Lay-Assistance to make themselves the purest Church, not only that is in the World (for that we hope you think you Selves already) but that possibly can be in it.

And, *First*, We wish that the Church had Power of *choosing*, and in case of Misdemeanor or Heresy, of *deposing* her own Bishops, according to ancient Custom and Canon, that so it might not longer be in the Power of a Prince, to give us those for our *Spiritual Leaders* who are whole *Pa-pists* or half *Phanaticks*.

Secondly, We wish that the *Bishops* might enjoy as much *Jurisdiction*, as at least is derived from them, and that the Name of Power might not be given the *Bishop*, whilst the Power it self is in the Hand of a *Lay-Chancellor*.

Thirdly, We should be glad to see our Church emancipated from the Slavery of the *Secular Power*, and those *ensnaring Premunires* unto which our *Convocations* are (by a *Law of Man* that has no great Foundation on the *Law of God*) made to be subject. But these *Alterations* for the benefit of the Church, you never venture so much as to mention ; for if you should, you must never expect to be invited to preach at *White-Hall* or before the *House*, or if you were, you might expect the same Thanks for your Sermons, as *Salisbury-Burnet* received for his *Pastoral Letter*. But there are *Alterations* of another Nature, that tend to *deform* the Church, and make it look like Mr. *Burgeess's Conventicle*, of which you are very zealous, and if the Dissenters prove as grateful to you as to *King James*, what wonderful *Addresses of Thanks* may you expect from them. Because Dissenters will not come over to the Church, how industrious are many of you to carry the Church over to them ? And yet we believe you would hardly undertake such a Gigantick Task, if you had not some prospect of being well paid for your Labour : For we observe many Zealous for such pretended Amendments now, who have expressed as much Heat against them in another Reign. And pray inform us, what benefit we can expect by any *Alteration* of our *Liturgy*, without a total *Ablation* of it ? Can we expect to frame Prayers please those who are dissatisfied with the *Lord's Prayer*, and exclude it the *Publick Worship* ? Will the taking away the *Ceremonies* reconcile a *Presbyterian*, and much less an *Independent*, to *Episcopal Ordination* or to *Episcopal Government* ? You make long Harangues upon the Benefits of Unity : and for the sake of this Unity, our Prayers, must be alter'd to bring in the moderate *Presbyterian* ; our *Episcopacy*, for the hot *Independent*

lent; and pray why not our *Baptism* renounced to please the *Baptists*; our *Creed* taken away or expounded by your own Party to bring in the *Socinian*; and that you want nothing but the *Atheists* (for why should not some regard be had to them, since their Numbers are so considerably increased (to make up a *Complete-Unity* of the *Brethren in Iniquity*, which this *ungodly Age* has spawn'd upon us. If the *Dissenters* are the *grieved party*, and *desirous of Unity*, why do they not first propound their own Terms, that we may consider of them? else what Obligations lies upon us, to make a door into our Church, at which we are not sure that any one Person will enter. One of you would have a *new Translation* of the *Psalms*; another is very eager to kick out *Tobit* and his *Dog*; another thinks the *Collects* not *long enough*; and a fourth would have them a little *shorter*. Some of you discern abundance, of *Superstition* in the *Office* for the *Dead*; another says it all lies in *Matrimony*; and a third believes that if the *Sign* of the *Cross* was taken from our *Ru- brick*, and the *Doctrine* of the *Cross* from our *Religion*, it would then suit well enough with the *Pallates* of all Men. But alas! you may take away all these things from the *Church*, and as many more, and yet if you leave any of the *old Building* standing, or dig not up the *very Foundations*, you will bring but very few *Dissenters* to an Union with us— They expect nothing from you, but that you should *Clip* your *Religion* by degrees, till you *Clip* away all its *Worth* and *Beauty*, and render it so obnoxious to Censure, as to occasion (like our *Coin*) its being called in, by a *Royal Proclamation*. We know you ingratiate your Selves by these Methods, not only into *popular Esteem*, but into *higher Favours*, which shall not here be mentioned. But we accuse your *Sincerity*, that can *subscribe* to and *subsist* by a *Church*, which you *sacrifice* as fast as you can, to your own *Interest*, and the *Humors* of a *giddy Mob*, that never approved those things which in themselves are most excellent. You know that such *Alterations* will first render *Episcopacy* useless, (for what need is there of any one to keep the *Canons*, when you hardly leave them any *Canons* to keep) and then destroy it.

But perhaps you think it may last out your own Time, and are of *Nero's Mind*.

If these are your Sentiments, it is in vain to add more; if they are not, we hope you will use your excellent Parts and Learning, which we much admire, more to the Honour of Religion, and the Glory of your Great Creator. Which is the Hearty Desire of.

Your Country Friends,

A, B, C, D. &c.

The English-Man's Complaint.

IF *Kings* were as wise and good as their Office requires them to be, *Monarchy*, certainly, would be the happiest Form of Government in the World; but since experience tells us they are like us in all things, *Kingship* excepted, and are for the most part but the worse for That, it has been the Wisdom of all Nations to take the best caution and security of them for their freedoms that they could get. This, I and many more expected at the hands of our *Senators*, after not only the harms of others, but our own might have taught them how to make use of so happy an opportunity; but as less than a years time has shown us the vanity of our hopes in them, I presume they are not less instructed of the vanity of their own in him, it being visible, to all the thinking World, that he is not able to support himself three Months longer, upon the Measures he takes, between *King James* and a *Common-wealth*, for one of them will be quickly too hard for him, and only one of them can prevent the other. And because no man has had a greater Sence for this Providence then my self, and that I have been particularly conversant with those that went into this abdicating Interest; I find my self touch'd in duty and honour to be arly and free with them upon the Jealousies that fill my Heart, and the Hearts of many good Men, about the present state of our affair.

They have been guilty of sins, both of *Omission* and *Commission*; they have neglected the main things they ought to have made the object and advantage of this change, and they have visibly acted the quite contrary; and last of all, several things have happened, both at home and abroad, that render the continuance of our present Government impracticable, therefore we must not only suffer, but seek another

ther state or change, and that speedily. The faults of Omission are these ; they have made a King, but have not made it impossible for that King to be like the Kings that went before him, he having the same power over the Rights of the People, and they lying as open to the mercy and stroke of ambition, and arbitrary Power as before, which is only changing of Hands, and not things ; Men, and not Measures and Securities. That this is the case, let it be considered, he is unaccountable, which contradicts their Principles they chose him upon ; he has the Power over Parliaments that his Predecessors had, which are accounted the true Conservators of the Peoples freedoms ; their Elections are as insecure as ever, their Meetings as uncertain being neither *Yearly*, *Duennially* nor *Triennially* : Neither are they Masters of their own Sessions, to Adjourn and Prorogue as they please ; And if they have prepared the most useful or necessary Law in the World, as the case now stands, he may refuse to pass it, by Proroguing or dissolving them, which render the whole Constitution of Parliaments precarious, and at his Will and Pleasure. Much less does the Parliament nominate his Council, or is he oblig'd to act in the Intervals of Parliaments by the Advice and Approbation of a Council, but on the contrary to these Rights and Securities, he can *call, prorogue and dissolve Parliaments at pleasure*, whose very Elections lie as open to Fraud and Violence as ever, Charters and Corporations being in no better condition than they were. He *picks and chooses* his Council, he *Names* all the great Officers, of the *State, Navy, Army and Church*, as well as of his *Household*, and he absolutely commands the Militia as yet ; which is having the *whole* in his Power, for thereby he has a *Mortgage* upon every man, the *Gain or Honour* of this Office being a *Bribe* to byass him to the *pleasure* of the Prince, that already they have not been able to keep themselves from the distinction of *Court and Country* party, who the other day objected it to their Enemies as a Vice in Government. This has something in it very absurd, and it reproaches the honesty and understanding of some People, that when they say they can make Kings, they either can't or won't take care to limit and regulate them to our Safety : By which means the King, that is made by the People, may rule without them, instead of ruling for them, and govern *jure divino*, though he be created *jure humano*, which renders his execution Independent of his Commission, and himself in all things impunible. We

We have herein left the Principles that lead us to leave *King James*, and changed the very measures upon which we chang'd the Government. We make use of Republican Reasons for our alteration, and for ought I see we go upon Tory methods to establish it, which renders our case much worse than it was in the time of *King Charles* and *King James*, in that then we had Kings that were suspected, to be sure not below'd, and the first not feared from his humour, and the last, at last as little apprehended from his Interest: but this Gentleman enters upon the Reputation of Proteſtancy, and has our own choice and Religion both to blind us. Being then more popular, and not more limited we are not more safe, but our Liberties must be exposed and unless such a King has irresistible Grace, or stronger ties upon him, the Reasons of our preferring him may be the Instances of our danger. Let these serve as brief hints of the pernicious Omissions we have made, about the Constitution of our Government, and give me leave how to point at our Sins of Commission.

Of this sort the Suspension of the *Habeas Corpus* well challenges the preference, It is what can never be answer'd by us *Whiggs*, to stab such a Law, nay, our own Law three times successively: In this the *Tories* outwitted us, for they have humoured us into a contradiction of our own Principles; next, it has been a dangerous Error, that so many Members of both Houses have so fast and so firmly got into Places of Profit: this is a Scandal to the Cause, our old Clamours and Pretentions considered; and all the World sees the Influence it has had to stifle this Reformation in its very birth, suffering so many *Foreign Troops* that are the *Mercenaries* of this Prince, to continue amongst us, and more come in upon us, when there are so many moderate Church-men and Dissenters, of unquestionable valour and sincerity, ready to serve in their Station, purely for the sake of the Protestant Religion and a National Interest, is both unjust, unwise and unsafe. It was likewise a fatal Error to be busie in sending ten or twelve Thousand men into *Holland*, before we sent twelve Hundred into *Ireland*, which shews some Body's heart is as *Foreign* as his Birth; just so we have done by *Sea*; been busie about a Fleet, and careless of our Trade, that as a witty Member of the House of Commons said, The *Dutch* have run away with our Trade, and the *French* with our Ships, notwithstanding our Fleet. It is certain they left *Brest* when they should have staid there (by which means

means the *French* joyned their Fleets) and are come home when there is most use of them abroad, whereby the *French* are left to scour our Seas. Many are employed that either do not understand their business, or are not in our Interest, because they can give most Money, *Soldiers*, especially the *Dutch*, have been quarter'd upon private Houses, and Gentlemen's Seats have not escaped them. Martial Law has been executed to Death, before the Act passed. *Schombergh* sent too soon, since he went so late, unless he had carried his Horse and Provisions with him, and while we have entertain'd the World with an Opinion that the *Irish* will not fight, we at last decline to fight the *Irish*.

But these are little Errors, and lie remotely, in comparison of some that affect the very center or head of our Affairs; the King himself shews us he is infected with Dominion, and that by two broad instances, *Scotland* and his Ministers at home; for he has not only already violated the very Fundamentals of the Constitution of that Kingdom he swore to maintain, when he received that Crown, but huffs those men of Quality that came up from that Nation to represent the breach of those Conditions upon which he took the Crown: and for the present Ministers of his Government here, the very naming of them, is given the Reason, both for the Sins of Omission and Commission; and indeed how should we hope to have our Liberties establish'd under them, who in the Late Reigns were the Authors of the Miseries we call'd in this Prince in hopes to be delivered from, and by what we have already seen of their management, we must conclude they have either a King *James* in their Belly, or in their Hearts, the Principles of making more than a King *James* of King *William*, and truly they have carried him a good way towards it, when they have made him afraid of protecting that gallant Gentleman, *Lieutenant General Ludlow*, because forsooth, he was a *Common-wealths-man*, and one of the Judges of King *Charles the first*, though upon his Principles, we have dedicated the Son, which is to refuse him the benefit of the Reasons, upon which we pretend to save our selves. This makes me believe a Story of this King, which I was even sorry to hear, that upon some Bodies telling him t'other day, the *Common-wealths-man* began to be very busie, he should say, *Let me alone with them, for after I came into the Government of Holland, they never could do any thing.* And it is certain, his party were the Tories of that State.

But it is not only Domestick Errors that make me dis-
 spond, though they are enough to sink this Government,
 but the very Nation is in hazard, in reference to our Affairs
 abroad, more than ever; and I would not, while we re-
 proach the Governments that went before us, that we
 should do worse for the Common Safety. What condition
 we are in as to *France* and *Ireland*, the charge it has been to
 the People, and how much greater it is like to be, and that
 we have now a more Melancholly prospect of the Conclufi-
 on of the War than we had six Months ago, is felt as well as
 seen. I need not tell my Country-men, that our Interest is
 grounded upon Trade, and that whatever lessens that, less-
 ens us; and that, that Country that rivals us in that point
 is our Enemy by Interest, and we can hardly have a great-
 er: but perhaps it may surprize them, to tell them at this
 time, that *Holland* is that Country; but so it is, and the
 indifferent World sees it, and even the Partial amongst us
 begin to feel it. It would have been the Wisdom of this
 King as soon as he became so, to have consider'd his Interest
 changed upon his being so; Instead of that, we have ever
 since had our English Interest govern'd by Dutch Councils,
 and we have felt the effects of it; which our Enemies are
 sure to improve to our dishonour and danger; as if we had
 deliver'd up the Wealth and Glory of *England* to *Holland*,
 instead of making that Country an Hand-maid to her
 greatness; and truly it is a scurvy Dilemma, that we are
 brought into, that we cannot hope for Peace with *Holland*,
 and keep our Trade, nor to support a War with both; if to
 out-live our own Factions: and this the Dutch knew as well
 as we, and therefore, you see, they Loose no time, but
 make the War their great gain: For as we let them ma-
 nage it, they add our share to their own: It is the lan-
 guage of all Ports, both abroad and at home. Sink therefore
 we must, when our Friends help to do it, and the King we have
 made, will not see it. If this partiality proceeded only from
 the sence he has of the kindness the State have shown him,
 one would hope it were but to be once done; but I am told
 there is more in it; that he intends to purchase them to
 himself at our Cost, for a worse purpose, viz, an *unreason-
 able greatness*: and it falls pat with the Dutch interest, for
 with them, it is a Maxim, *the less we are free, the less they
 have to fear*; nothing being more caviler in England than a
Dutch Republican. This, if I know any thing compleats
 our misery, that we are going into a War, for the sake of

a Country, that is, in reason of State, the most firm enemy to our Liberties at home and our Traffick abroad, and that he will only be of our side as long as we let them go away with our Trade; but the hour we show, we understand them, we may depend upon it, they will make up with *France*, and leave us in the lurch. It is not enough that the Parliament will give money; I do not doubt that; but that may be our misery as it may be given: let us first consider, for what we give it? it will be said, to put down *France*; but that is the *Emperor's* work, whose Competitor he is, and not ours. But as things now move, shall not we set up *Holland*, that is our Competitor every where, and in every thing. Taxes must rise heavily upon such prospects of our Affairs. There is in my Opinion a nearer way to the Mill than all this, and I think the only one: *Let the Parliament but make plain to the People, that they have the benefit of the Change, and I will pass my word for them, they will be at the charge of it*; But that they should assist such a Revolution, and oppose their Persons to all hazards, and their Estates to the Consumption that will follow it, and at last sit down with a less Trade abroad, and with something worse than the worst part of King *Charles* the second's Reign at home, is, I hope, too gross to pass upon the Nation. They that long since owed their Heads to the Publick, must not now think to set up for the Guides of it. The reflection of a Common-wealth is too stale a Calumny to put a zealous and unjust claim of Right out of countenance.

It was flung at my Lord *Russel*, and at all the Patrons and Martyrs of the People, but in vain are their Attainders reversed, while their Endeavours and impeached. That a Common-Wealth should be an Objection now, to such a settlement of our Freedoms as can only save us, is a most severe One against the Government, especially when the same Gentlemen have the Power of making it, that made once before. We can go upon no other Principles, except we will set up that Arbitrary Power we have ventur'd all to oppose: which Nick-names must not scare us, nor vain Flat-teries: *We must have our Liberties*, or shift for our selves, and that quickly, before he brings in more Foreign Forces upon us. ¶ Reproach we can never wipe off; that what we objected again King *James*, should be endured from a Stranger in so distrustful a manner, and a Parliament sitting unjustly I will end with this Question;

Is it not a breach of publick Faith and Safety, for a Prince of his own Head to call in Foreign Force to rule a People, that called him in but t'other day to rule and protect them by their own Laws and Arms? It shows a plain dissolution of Trust and confidence in the People discharged, nay, are they not obliged before God and Man, to take speedy care of their own future Safety one way or other.

Mr. Anderton's Plea at the Old Bailey.

My Lord,

I have a few things humbly to offer to your Lordships Consideration as to this Indictment.

1. As to the Compassing or Imagining the Death of the King and Queen my Lord Cooke saith expressly in his 3d. *Inst.* p. 6. That it is the very Rule of the Act, that *Actus non facit Reum, nisi Mens sit Rea*; and if the said Act be not within the exprefs words of the Act, then by force of a clause hereafter, viz: *Et pur teo que plufers auters ne*, it cannot be adjudged Treason until it be declared Treason in Parliament, which is the Remedy which the Lawmakers have provided in that Case.

2. As to the Levying War, he says p. 9. That a Compassing or Conspiring to Levy War is no Treason, for there must be a Levying War in *Facto*. p. 10. he says in citing the Lord Dyer's in Sir N. Throgmorton's, that during the Life of the Queen, viz. *Eliz.* a Conspiracy to Levy War was H. Treason, tho' no War Levied; But when *Bradshaw* and *Burton* and others were Indicted of H. Treason for Conspiring to make War, it was resolved by all the Justices that it was no Treason within the 25. Ed. 3 for the words in this Law are *Levic Guerre*; an Actual Rebellion or Insurrection is a Levying War within this Act; as if any with Strength and Weapons invasive and defensive doth hold and defend a Castle or Fort against the King and his Power; that is Levying War within this Statute.

3. Adhering to the Enemies, of the King and Queen This, my Lord in the same p. 10. he likewise explains; viz. in giving Aid and Comfort to the King's Enemies within the Realm, or without Delivery or Surrender of the King's

King's Castles or Forts by the K's. Captains thereof to the K's. Enemies within the Realm or without for Reward. This, says he, is adhering to the K's. Enemies, and declared Treason by this Act: And for this, my Lord, he cites several acknowledged Authorities and Acts of Parliament.

4. As to the proof of these or any of these particulars, the said Lord Cooke p. 12. Explaining this Branch of the Statute, *Et de ceo Provablement soit attaint per overt Fait pergens de leur Condition*, saith thus; which Gentlemen of the Jury, I beg of you to take particular notice of. In this Branch saith he, four things are to be observed; but I shall only take notice of three, first this word *Provablement*, probably, *i. e.* upon direct and manifest proof, not upon Conjectural presumptions, or inferences or strains of Wit; but upon good and sufficient proof. And herein the Adverb *Provablement*, probably, hath a great force and signifieth a direct and plain proof, which word the Kings Lord's and Commons in Parliament did use, for that the Offence was so heinous, and was so heavily and so severely punished as none other the like; and therefore the Offender must probably be attained; which words are as forceable as upon direct and manifest proof. Note, saith he, the word is not probably, for the *Commune Argumentum* might have served; but the word is Provably be attained: And p. 26. he tells us that two witnesses are required, and I remember saith he, no Authority in our Books to the contrary; and the Common Law herein is grounded upon the Law of God, exprest both in the Old Testament and the New. *In ore duorum aut trium Testium peribit qui interficietur. Nemo occidatur uno contra se dicente Testimonium. Mir. Bracl. Fortes. 1 E. 6. 5 E. 6. 11.* Secondly this word attaint, necessarily implyeth that he be proceeded with and attained according to the due Course and Proceedings of Law, and not by absolute Power, or by other means as in former times hath been used. Thirdly *per Overt Fait per apertum Factum*. This saith he, doth also strengthen the former exposition of the word *Provablement*, that it must be provably by an open Act, which must be manifestly proved. And this manifest proof he thus explains: As if, saith he, divers do conspire the Death of the King the manner how, and thereupon provide Weapons, Powder, Poyson, assays with Harness or sending Letters to put this their Conspiracy in Execution. These, Gentlemen of the Jury, are the Expositions of the unexceptionable Lord Coke, whose Authority I the rather chuse to

rely on because his Learning in the Law, and his veracity in the delivery of his opinion is universally acknowledged.

5. As to the Fact alledged in this Indictment, which is to prove the aforesaid crime, or otherwise the whole Indictment falls to the Ground; and that, my Lord, is Printing. Now the Question is, my Lord, whether Printing, as such, can be construed to be within the purview of this Statute? And I humbly conceive not; because the Statute of the 1st. of *Mary* enacts, that no Act, Deed or Offence, being by Act of Parliament or Statute made Treason, Petit Treason, or Misprision of Treason, by Words, Writing, CIPHERING, Deeds or otherwise whatsoever, shall be taken, had, deemed or adjudged to be H. Treason, Pet. Treason or Misprision of Treason, but only such as be declar'd and expressed to be Treason Pet. Treason or Misprision of Treason in or by the Act of Parliament made in the 25 Year of the Reign of the most Noble King of Famous Memory K. *Ed.* 3^d. or any other Declaration or matter to the contrary in any wise notwithstanding. Now, my Lord, the World well knows, that Printing was not practised in *England* till several hundred Years after the making of this Statute of 25 *E.* 3. and therefore impossible to be express'd, and consequently not Treason. And it is likewise well known, that Printing was in in use in *England* long before the Reign of Queen *Mary*, and yet this Statute positively excepts it, as not being mentioned in that of 25 *E.* 3. And my Lord *Cooke* p. 23. says that before this Act of 1. *Mary* so many Treasons had been made and declar'd by Parliament since that of 25 *E.* 3 some in particular, some in general, and in such sort penn'd, that not only the ignorant, but the learned were many times trapt and snared, and Treasons made in one Kings Reign were abrogated in another: So that the mischief before 25 *E.* 3 of the uncertainty what was Treason and what not, became so frequent and dangerous, that the safest and surest Remedy was by this excellent Act of 1. *M.* to abrogate and repeal all but such as are specified and expressed in this Statute of 25 *E.* 3 by which Law, says he, the safety of the King and his Subjects is wisely and sufficiently provided for in such certainty as *nihil relictum est arbitrio Judicis*, and p. 21. explaining the words semblable Treason, he says, in this case the Judge shall not judge *a simili*, or by Equity, Argument or Inference of any Treason, High or Petit, for no like case shall be adjudged Treason High or Pet. nor no other case tho' of as high or higher nature shall be adjudged Treason

Treason High or Pet. as appeareth in the case of Parricide. And p. 22. explaining this Branch. *Que nest specific paramount.* This word *specific*, saith he, is to be specially observed; for it is as much as to say particularis'd or set down particularly, so as nothing is left to the Construction of the Judge, if it be not specified or particularis'd by this Act. And my Lord, he breaks out into this Rapture, A happy Sanctuary for Judges to fly to, that no Man's Blood and Ruine of his Family, do lie upon their Consciences against Law! And if that the Construction by Arguments *a simili* or *a minori ad majus* had been left to the Judges, the Mischief before this Statute would have remained; viz. Diversity of Opinions, what ought to be adjudged Treason, which this Statute hath taken away by express words: And the Statute 1. M. doth repeal all Treason &c. but only such as be declar'd and express'd in this Act of 25. E. 3. wherein this word, *Expressed*, is to be observed. And again my Lord, on the Branch, *Tanque per D'evant le Roy & son Parlement.* By this, saith he, it is apparent, that any like case or other case ought to be declared by the whole Parliament, and so it was done by the whole Parliament in 3 R. 2. and many other Acts of Parliament, nay p. 24. he says, that no former Judgement Attainder, President, Resolution, or Opinion of Judges or Justice of H. Treason, Pet. Treason or Mispr. of Treason other than such as are specified and expressed in the said Act of 25. E. 3. are to be follow'd or drawn to Example! for the words are direct and plain, that no Act Deed or Offence &c. Shall be taken, had, deemed, or adjudged to be Treason Pet. Treason or Mispr. of Treason but only such as be declared and express'd in the said Acts of 25. E. 3. any Acts, Statute, Declaration or matter to the contrary notwithstanding. But now, my Lord, to come a little nearer to the matter, how can bare Printing be deemed in Law an Overt Act of Compassing or Imagining the King's Death? (which is the Treason alledg'd) when 'tis so far from necessarily proving it, that it is ten times more natural to suppose that the Printer (who ever he be) Prints for his gain in his way of business, than out of any intendedly Treasonable Design. Besides, in Treason Books, the Law ever lookt severely after the Author or Procurer, but very little or not at all regarded the Printer as such, being lookt on in Law as a meer Mechanick, till the Statute 13. and 14. Car. 2. c. 33. which makes it an Offence and allows the Punishment, which is for the first Offence Disability for following

lowing the Trade for 3 Years, and for the second a perpetual disability and a Fine, Imprisonment, or other Corporal Punishment, not extending to Life or Limb. My Lord the very Stile of the Act is, An Act for preventing Abuses in Printing Seditious Treasonable and Unlicens'd Books and Pamphlets, and for Regulating of Printing and Printing-Presses; which plainly shews that the Government was at a loss how to punish Printing, as such, before; which the Government could not have been at, if the Printer had stood chargeable before for matters and things contained in the Books and Pamphlets he Printed. Nay, my Lord, the very Statute of 13. Car. 2. c. 1. which made several things Treason during his Life, did not, as I conceive, extend to the Printer, but to such as should procure to be Printed the Treasons therein contain'd. I have but one thing more, my Lord, to urge upon the matter, and that is the case of *Algernon Sydney*

His Plea in Arrest of Judgment.

My Lord,

IN Arrest of Judgment I have these things humbly to move, *viz.*

1. Whether if a Jury, not being competent Judges of the matter of Fact, whereof they are to judge and bring in their Verdict against the Defendant contrary to Law, I say, whether Judgment ought to pass upon the Defendant, because of that Verdict?

2. Whether, if a Judge (who is Counsel for the Defendant, and therefore indispensably bound to take particular Cognizance of what the Defendant urgeth in his own behalf, as well as what is alledged against him) in Summing up the Evidence, doth omit (either out of forgetfulness or otherwise) the only material point upon which the whole Indictment is founded, and which the Defendant so much urged in his own behalf; and also which inevitably led the Jury into this mistake of their Verdict; whether, I say, this be not sufficient to stay Judgment?

3. Whether any Judge &c. can contrive Printing to be a sufficient Overt Act, till it be so declared by Parliament?

4. Whether the Statute of the 13 C. 2. does not plainly intimate the contrary? And likewise the 13 and 14 C. 2 lately receiv'd?

I desire to know whether it be proper to urge these or not.

*A Letter from Feversham to a Divine in London.**Reverend Sir,*

IN answer to the Letter, I have here sent you an account of the Texts, just as I wrote them down about a Year ago. On Thursday Morning (*December 13th. 1688*) his Majesty sent to Mr. *Gamlyn* for an English Bible, which he brought him. But in passing with it thro' the Mob, some were very angry to see their Minister carry to the King (as they thought it needs must be) a Popish Book. But being shewed what it was, they began as much to wonder that the King should read the Scriptures in English. The King kept the Bible with him till the Saturday following, and then just before his going away return'd it to Mr. *Gamlyn*. His Majesty had put papers in several places, where (probably) he had been Reading, by which some Conjecture may be made at his Meditation during his Restraint. The first Paper was at *Genesis* the 4th. which relates the Murder of *Abel*, and the Curse of *Cain* thereupon. The Second was at *Job* the 5th. which begins thus. *Call now, if there be any that will Answer thee, and to which of the Saints wilt thou turn?* And in the sequel of it shews, that God is to be regarded in Affliction and tells the happy end of God's Correction. The 3d. was at *1. Maccabees*, 11. which speaks of various changes of Government, together with the fall and rise of several Kings; but seems more directly to point to the saying of King *Prology* concerning his Son in Law *Alexander*, at the 10th. vers—*I repent that I gave my Daughter unto him, for he sought to slay me.* The 4th. was at *Matt.* 2d. which gives the History of *Herod's* Cruelty, and *Joseph's* and *Mary*, flying into *Egypt* with the Young Child *Jesus*. The last was at *Rom.* 2d. which proves it an unreasonable and wicked thing for Men to blame the faults of others, and yet commit as bad or worse themselves. *Thou that teacheth another, teacheth thou not thy self? Thou that abhorrest Idols, doth thou commit Sacrilege?* Sir, If you or your Friend have occasion to consider the places more nicely, you may take notice, that the Bible which was lent the King, was in Quarto, printed at *Cambridge* 1683. There was also another Paper left somewhere in the Psalms which dropt out unawares, when it was first opened, after it came from the King. And whereas I say one of the Papers seem'd more directly

rectly to point to a particular Verse, it is, because most of the Papers (if not all) were left in the Tops of the leaves, and this at the bottom upon the Text I have mention'd. I am also to tell you (it not being improper to the Business) that the day before, the King speaking to some Gentlemen of the Country, amongst other things, said this; that he believed he had read the Scriptures as much as most Laymen in *England* had done.

I am Sir your humble Servant.

Delenda Carthago. or the True Interest of England, in Relation to France and Holland.

AS the Happiness of our Scituation secures us from the Invasion of any, who are not our Masters at Sea: The same Reason makes it altogether against the Interest of *England*, to seek to enlarge her Dominions by Conquest, upon the Continent: For the Charge of Transporting, besides the Accidents of the Sea, is such Odds, as she can never wage an equal War.

The Truth of this will appear to any who shall read the Wars of *England* in *France*, the vast Expence of Blood and Treasure, the many Hinderances and Disappointments in sending our Reliefs by Sea; and after the most prosperous Successes, the little Effect and final Loss of all.

Which indeed prov'd our greatest Benefit, by sending us to live at Home. And I think it very plain that the loss of *Callice*, ridding our Hands of all the Seeds of War, the *Garrisons* we had in *France*, was exceedingly for the Advantage of *England*: We call'd them *Bridles* upon *France*, but they prov'd *Sponges* to us, and drain'd more Money from us (and sometimes Men) than, if employ'd upon the *Fleet*, would have enabled us to bridle *France*, and the *Seas*, and to have extended the Privilege of the *Flag* to both Worlds.

The *Fleet* are the *Walls* of *England*. To Command at *Sea*, not to make Conquests by *Land*, is the true Interest of *England*.

And the same Reason makes it the Interest of *France*, not to meddle with us. He can extend his Conquests with fifty times

times less expence and Hazard upon the Continent. Nor does he desire more of *England* than not to hurt him.

Accordingly we find that *France* has always endeavoured to live well with *England*; and indeed they have courted us, and always shewed a more particular Kindness to the *English*, *Gentry*, than to any other Nations, who travelled thither for their Educations.

And when we were lately obliged to declare War against them (for we began with them) yet it was not for any Injury they had done to us, nor had we one to instance.

And by the Issue of all the Wars that *England* ever had had against *France*, it plainly appears to be the Interest of *England* to have no War with *France*; at least never to carry our Arms into *France*.

For suppose the best, the utmost you can propose, even to conquer *France*, as we did once before: How shall we keep it? What Armies of *English* must we always have there to prevent their Rebelling? Would transplanting of all *England* serve the Turn? Sure such a Conquest would drain and ruine *England*, as the *Indies* have *Spain*.

But suppose we had it and could keep it: Our King would make his Residence in *France*, and *England* would become a Province like *Flanders*, when their *Earls* came to be *Kings* of *Spain*; Or as *Scotland* is now to *England*, which was wisely foreseen by *Hen. 7.* when he, for that very Reason, married his Eldest Daughter to *Scotland*, and his Younger to *France*; thinking it much more the Advantage of *England*, to have the Accession to *Scotland* than of *France*; the Greater always swallowing up the Less, as *Rivers* are lost in the *Sea*.

What then is the Interest of *England* as to *France*? Surely to grow great at *Sea*, and command the Trade, which is our Greatness; But, by all means, to let alone their Continent; where a Conquest would prove our own Destruction.

Let us now look how our Interest stands as to *Holland*.

It is Interest that governs Kingdoms. Nations do not fall in Love with one another, as particular Persons do for their Beauty. The Publick still moves by Interest; and that will never lye.

The Interest and Life of *Holland*, all the World knows is Trade. it is Advantageous to others; but it is Necessary to them. Their Continent cannot make them live: Therefore whoever rivals their Trade must be irreconcilable to them; nor can they ever be true and hearty to such.

England

England has been their only mighty *Rival* for the *Trade* of the *World*: Whence that wise *Chancellor of England*, the *Earl of Shaftsbury*, in his *Speech* to the *Parliament*, 5. *Feb.* 1672. lays it down as a *Maxim* never to be forgot in *England*. Let this be remembred (saith he) *The States of Holland* are *England's eternal Enemy* both by the *Interest* and *Inclination*: And he gives the *Reason*, because we are their only *Competitor* for *Trade* and *Power* at *Sea*, and who only stand in their *Way* to an universal *Empire*, as great as *Rome*.

Then he shews how true they have been to their *Interests*, in working all the *Mischief* they could to *England*, not only by *violent*, but *false* and *treacherous* Ways: And he instances in their *Breach of Treaties*, both in the *Surinam* and *East-India* *Business*; and their *highth of Insolence*, to deny us the *Honour* and *Right* of the *Flag*; and that, though it had been owned by them in the *Treaty of Breda*, yet they disputed the *King's Title* to it in all the *Courts* of *Christendom*, and made great *Offers* to the *French King*, if he would stand by them against us.

Lastly, He compares them to *Carthage*; and us to *Rome*, that is, that it was impossible both should stand upon a *Balance*; that if we do not master their *Trade*, they will ours. They or We must *Truckle*. One must and will give the *Law* to the other. There's no *Compounding*, where the *Contest* is for the *Trade* of the whole *World*.

No *Treaties*, no *Alliances* will, or ever did bind them to us, longer than till they could make an *Advantage* by us. After a firm *Treaty* in 1619, ensued the *Murder* of the *English* at *Amboyna* in *November* 1624 and other *Depredations* in the *East Indies*. You may see a whole *History* of their *Breach* of *Treaties*, and most *Barbarous* and *Perfidious* *Cruelties* upon the *English*, By *Dr. Stubbs*, Printed in 1673. "Since *K. James* the First (says he) reigned in *Great Brittain*, they "have neither kept any *League* in reference to *Trade* and "Commerce: That rich *Trade* we had into the *East Indies*, "at *Japan*, *Amboyna*, *Banda* and the *Moluccoes* is totally ru- "ined: Our *Islands* of *Polelan*, *Palaway*, *Lantere* unjustly "seiz'd into their hands; and the *Damages* we suffered there "are computed in 1653, at 1656233*l.* 15*s.* and we are now "totally excluded those *Seas* by these *Hollanders*. Their U- "surpations there have been accompanied with *Barbarities* "and *Outrages*—Besides the *Cruelties* of *Amboyna*, they "exercised innumerable others, as appears by the *Depo-* "sitions from 1616 to 1620: Printed at *London* A. D. 1622.

"The

"The *English* Ships being taken and their Goods confiscated,
 "the Captains, Soldiers, Factors and Mariners were made
 "Prisoners, clog'd with Irons, kept in Stocks, bound Hand
 "and Foot, tied to Stakes, halling and pulling them with
 "Ropes about their Necks, spurning them like Dogs, throw-
 "ing them headlong down Rocks and Cliffs, murdering
 "some, and starving others to death : Some were landed a-
 "mong the *Indians*, where they found better Usage among
 "the *Paynims*, than the *Protestants* of *Holland* : Some were
 "so lodged, that they were forced to tumble in their own
 "Excrements, not being permitted to go forth to ease them-
 "selves. *Lawrence Ryal*, the *Dutch* General, caused *Grates*
 "and *Cages* to be made, and carried the *English* therein fet-
 "tered and shewed them triumphantly to the *Indians*, at
 "every Port, saying, *Behold and see, here is the People of*
 "*that Nation, whose King you care so much for ; now you may*
 "*see how kindly we use his Subjects.* They have robbed the
 "*Indians* under *English* Colours, thereby to incense them
 "against us, and to destroy our Trade there. They have
 "counterfeited the Coin of other Nations, and then de-
 "signed the *English* for it. The Traffick of *China* and *Persia*, &c
 "was ruined by their seizing and destroying the Ships of
 "Sir *Wm. Courteen* and his *Partners*. We did by our Am-
 "bassador *St. John*, demand Satisfaction for all these Dam-
 "ages, and charged them with the Blood of the *English* that
 "had been slaughtered by them in the *Kathe-*
 "*rine* and *Dragon*, in these words. *Though we*
 "*cannot positively prove, yet by good Circum-*
 "*stances, we can make it appear, that you did*
 "*destroy the Ships Dragon and Katherine,*
 "*though the Ships and Men were never heard*
 "*of, yet the Guns and Goods of those Ships have*
 "*been found in your Countrey, which does give us some confi-*
 "*dence to believe you did destroy the Men and Ships.*

"And we are informed that some of your own
 "Countrymen when they lay on their Death The Remon-
 "Beds, did make confession of the Cruel Mur- strance of G.
 "thers and Seisures : How that they met them Carew, Esq ;
 "going to the Cape of Good Hope, and Printed 1662.
 "and after a friendly Salutation, the Dutch invited the En-
 "GLISH Commanders aboard, and after they had been feasted,
 "they told them, that it was fitting They should drink Lust-
 "ick, as well as eat Lustick, and causing them to be tied back
 "to back, they were cast into the Sea. And in the Evening
 when

M. S. Speech
 of Mr. St. Johns.
 See also the
 Printed Account
 of John Davel
 A. D. 1665

"when the English expected the Return of their Commanders
 "and their Crews, the Dutch with their own and English
 "Boats, went aboard the English Ships, and served every Man
 "in the same manner: and having taken out what Goods and
 "Guns they thought fit, the Ships were sunk by them; the
 "which were worth according to the Invoice, had they
 "come to the Port of London, 170000*l*. In Guiney and Bra-
 "zile we have been treated with the same Usage: And the
 "Dutch have been always either acting *Open-Hostilities*, or,
 "which is worse, destroying the *Honour and Renown* of our
 "Nation in *Spain, Italy, Russia*, and all places whither a
 "Dutch-man trades. Therefore we were then convinced,
 "That the true way to advance the English Trade, was to
 "reduce the *Hollanders* to greater Moderation.

Much more to the same Purpose you will find in the above-said Author, and in many others of the *English* Nation.

But above all things the most astonishing and down-right Diabolical, exceeding even the Treacherous and Bloody Massacre of the *English* at *Amboyna*, being done in time of Peace, and the chief Actors thereof justified and preferred by the *States*, when Complaint was made against them, and Justice demanded: But it exceeds all this, and all that ever was heard of any Nation which bore the name of *Christian*; the Wickedness of all Nations is exceeded by what the *Dutch* did and still continue to do at *Japan*.

They incensed the Government there against the *Christians* who traded thither, representing them as People of dangerous Principles, as to the Government, and plotting or Insurrections: Whereby they procured the miserable Slaughter, with horrible Tortures and Torments, of above 400000 *Christians* in that Kingdom, and denying themselves to be *Christians* (wherein some think they told no Lie) they, by that means, ingross the Trade of that wealthy Island to themselves.

And if they can dispense even with their *Christianity*, to promote their Trade; what Obligations can we put upon them that will make them false to their Supreme God, Interest?

But we need not go so far as the *Indies* to find instances of the Designs of *Holland* to ruine *England*. There is a surprising Passage in the *London Gazette*, 30th of April 1666, which is *verbatim* as follows.

At the Sessions in the Old Baily, John Rathbone, an old Army Colonel, William Saunders, Henry Youcker, Thomas

mas Flint, Thomas Evans, John Myls, William Wascot and John Cole, formerly Officers and Soldiers in the late Rebellion, were Indicted for conspiring the Death of his Majesty, and the Overthrow of the Government; having laid their Plot and Contrivance, for the Surprisal of the Tower, the killing of his Grace the Ld. General, Sir John Robinson Lieutenant of his Majesty's Tower of London, and Sir Richard Brown, and then to have declared for an equal Division of Lands, &c. The better to effect this Hellish Design, the City was to have been fired, and the Portcullis to have been let down, to keep out all Assistance, the Horse-Guards to have been surpris'd in Inns where they Quartered; several others having been gain'd for that purpose. The Tower was accordingly view'd, and its Surprise ordered by Boats over the Moat, and from thence to scale the Wall; one Alexander, who is not yet taken, had likewise distributed Sums of Money to these Conspirators, and for the carrying on of the Design more effectually, they were told of a Council of the Great ones, that sat frequently in London, from whom issued all Orders; which Council received their Directions from another in Holland, who sat with the States; and that the 3d of Sempember was pitched on for the Attempt, as being found by Lilly's Almanack, and a Scheme erected for that purpose, to be a Lucky Day, a Planet then ruling with Prognosticated the downfall of Monarchy. The Evidence against these Persons was very full and clear, and they accordingly found guilty of High Treason. These are the Words of that Gazette; and let me only mind the Reader, That the City was fired the very Day which was there mentioned; that is the Fire began about 12 at Night, the 2d of September 66, or early on the 3d which was the first Day of the Fire.

This makes it a Demonstration, that the Dutch Plot, mentioned in that Gazette, could be no Contrivance of the Government, in Odium to the Dutch; if that could be so much as suggested, or so base an Imputation laid, not only upon the Court but the City itself, which, in her Sessions, should take away the Lives of Men for any such *Sham Plot*: I say nothing of this can be possible, unless you will suppose, that the Government and the City both designed the burning of the City upon that Day (and if so they would not have told it); or otherwise that they had the Spirit of Prophecy, to foretel the burning of the City five Months before it came to pass.

But these Conspirators had laid their Design, and would not slip that Lucky Day, the 3d of Sempember, on which Oliver conquered first Scotland, at the Battle of Dunbar and after the Loyal Party in England, at Worcester Fight; both which happened to be upon the 3d of September, which Oliver reckoned to be his Lucky Day; and it held so to him to the end: For on that day he brought the greatest Blessing to England that ever Subject did: On that day only he verified what he had so often promised, to relieve England

from Tyranny and Arbitrary Power, and to open the way to a Glorious Reformation, all this he performed, for on that day, on his own Lucky Day, he died, or, as his Enthusiast Banditti boasted, was carried, like *Elijah*, to Heaven in a Whirlwind; whether it carried him, or whence it was sent, we will not examine; only we may take notice, That he who raised Rebellion to cure Superstition, observ'd his Lucky Days; and these Conspirators of whom we are speaking were some of his Godly Army. These gain'd with Dutch Reformers; not only observe Days, but cast Schemes and go to Fortune-Tellers, any thing—go to the Devil himself, for the Good Old Cause! The End sanctifies the Means.

How far the Devil's Chain may reach, I cannot tell. But if there be such a thing as Spells, to cause in Men Love or Hate; most certainly the Dutch have made us drunk with it: Not only to Love and Dote upon them, who at this very Day, use all Men like Doggs, who go over thither to fight for their Country (which they will not do themselves) and Clip our Money publicly, which, when they have done, they pay to the English only (for no other Nation will take it from them) by the Coin, and will receive it from them only by the Weight; which is proclaiming us for Fools to our Faces: And as such, they have begg'd us. To fall in Love with these Dutch, who use us ten times worse, when we fight for them, and take less care of our Sick and Wounded than the French against whom we fight! And yet to hate and abhor the French the more they court us! As if it were the Nature as it is the Character somewhere given of an Englishman, to be won by Injuries and provok'd by Civilities, comparing them to their own Country Maistriffs.

What is it else can make us have such an unaccountable Hatred to the French for which we can give no Reason, they having never done us any hurt, but when we began, and forc'd them to it, as at present? And yet, to doat, as unaccountably upon the Dutch, who never yet did us any good, or neglected doing us all the Mischief they could when it was in their Power?

If the like Evidence could be produc'd against the French for the Burning of *London*, as what is here brought against the Dutch?—

But whether it were French or Dutch, *London* is now fill'd with them both and there have been more Fires of late in *London* than usually has been known. There were no less than five Fires in it upon Sunday 18 Feb 94. And if there be False Play, it must be English, French, or Dutch. But the Dutch will never do us Hurt, as surely as they never did; we must not suspect them: There is some Witch Craft in this!

Is it for their Religion that we love the Dutch? I wish Religion, of any sort had so much Power in England! But can they be true to Religion, who are content, as in *Japan*, to renounce their Christianity, to promote their Trade! Or, which is near the same, to license all Religions, for the same Reason, as in *Holland*! To give Mammon the upper Hand of God!

It is their Mammon, their Interest (and they have never been true to it) to ruin *England*.

It is neither the Interest of *England* or *France* to Invade or Conquer one another; and they are not the Aggressors.

Yet we are irreconcilable to *France*, and unalterable from *Holland*! As Men blind to their Interest, and bent upon their Ruine! Like the Jews against the Romans, Obstinate, though un-equal to the War! It prov'd Their Destruction; and, if we will not open our Eyes, It must, without a Miracle, be Ours too.

We are trying the Experiment how many Losses will Ruine us. And extol the super-abundance of our Riches, but not of our Wisdom, in bearing up against a continued Series of Ill-Successes, without any other Rational Prospect, but of its growing worse and worse, 'till there be no Remedy.

I think I have been a True Reasoner. I wish, in this, I may be a False Prophet.

LOUP SKELUM.

Crenchord

A Letter to Mr. Secretary T ———, *A Discovering a Conspiracy against the Laws and ancient Constitution of England: With Reflections on the present Pretended Plot.*

S I R,

AS the Character you are cloathed with entitleth you to all Informations, both of what may preserve the Government, and of what is contrived and carried on for the Subversion of it; So the Employ you have taken upon you, in reference to the present Pretended PLOT, tho' neither agreeable to your Office, nor to the Title of a *Man of Honour*, gives you an indisputable Right to the Discovery I am about to make: And being indebted to you for the share you have been pleased to vouchsafe me in your late Administration, I can think of no better a way of making my Acknowledgments, and of testifying my Gratitude, than of rendring you a piece of Service. Which every one at your Devotion is not qualified for, and very few have the Integrity and Fortitude either to undertake or perform. And seeing neither the Honour of having been *Secretary of State*, nor the wise and just *Discharge* of that Office are like to give you that Name in *History* which you deserve, nor to perpetuate your Fame to the extent and measure of your Vanity and Ambition; Permit me to try whether I can enable future Writers to eternize your Memory in the Registers of Time, by handing to them brief *Memoirs* of some Actions peculiar to your Self, and to a few more of your Elevation in Vertue and Politicks: And which none, but one as much distinguished as you are from the Rank of Common Statesmen, as well as the several Tribes of Christians, would have had the Artifice mixed with Malice to have undertaken.

And that you may engross to your Self the whole benefit of this Discovery, and not be obliged, as in other Cases, where you have shared between You and the Informer the Salaries and Pensions apply'd to the forging and inventing Conspiracies against the State, tho' set apart and issued out by the Dispensers of the Publick Treasure only for detecting them: I do freely and entirely resign to You all my Part and Portion of it, whether arising from the Generosity of the *Ministers*, or due from their Justice, which I hope will not be unwelcome to you, nor come unseasonably towards the compleating your *Twenty Thousand*

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Pounds Purchase. For as it is impossible (that confining your self to what either righteously or legally accrueth from the Place and Office of *Secretary*) you should have heaped together so large a Sum in the Circle of little more than a Year, so it is a Charity to help to advance you above the mean Temptation of defrauding those mercenary Creatures, who selling their souls at easy Rates, to support forged Accusations by Perjury, can meet with none so sneaking and ignoble as to deduct any thing from the Price, except such who having set a low Estimate upon their own Souls, do value other Mens accordingly. All the Gain therefore and Advantage which this Information can produce, I do chearfully consign and bequeath unto you, wishing that besides the Profit of that kind which it is calculated to yield you, it may serve to raise your Reputation in the World, by giving the Nation more generally to understand (the old Innocent Ways of Administration of State-Affairs, being unadapted and insufficient to the durable upholding of what was precipitately and tumultuously raised) how little his Wisdom hath been misplaced who recommended you to the Post you fill, being so admirably qualified to support the Government by Tricks and Falshoods of the same Kindred and Alliance with those by which the Revolution was carried on and effected. You are too conversant in *Tacitus* to need my recommending to you that Saying of his, *Nemo Imperium flagitio questum, bonis artibus exercuit*, No Man ever ruled legally and well that arrived at the Government by Fraud and Injustice. Yet suffer me to add in reference to it, that they who thought the forging of a French League, and Supposititious Prince of Wales, lawful as well as necessary for the promoting the Designs in agitation *Anno 1688*. cannot be thought too scrupulous, nor to act disconformably to themselves, if in subserviency to present Exigencies, they do at this time forge a Conspiracy against the Government, and charge it upon Innocent Men, who are willing to live peaceably if you would permit them. And as you know your own accession to the *First*, and have had the Fortune to be better rewarded than others that joined with you in that Treachery and Fraud, so I hope that the vindicating to you the glory of the *Latter*, wherein you have had so few to interlope upon and share with you, will have a tendency to your being exalted higher than you are, and quicken your receiving the Recompences you have not yet attained, tho long ago so much your due.

But is it not to degenerate into a despicable Meanness, and to make your self contemptibly little, after you had been engaged so many Years in forming Plots against Kings, Princes, and States,
you

you should at last dwindle into a Conspirator against Mechanicks, reduced Officers, disbanded Centinels, and private Gentlemen. That from enrolling Troops at *Taunton* and elsewhere, as your Interest lay, and your Province was allotted, for dethroning Monarchs, and altering the legal Course of the Royal Succession, you should shrink to the mustering mercenary Rascals, for whom you have raked Goals and Kennels, to destroy a Company of Persons who neither could endanger you, by perverting Laws, or altering their Frame, nor enslave you by Armed Guards and Military Power. To have undertaken to curb and bridle Sovereigns, and to dissolve and break the Chain which the Constitution as well as the Statutes of the Realm had made for regulating the coming to inherit Crowns was brave and daring, tho at the same time criminal and wicked: But to hound out Messengers, back'd with Troops as well as fortified with Authority, to ransack the Dwellings of those that are innocent and naked, and upon hir'd and suborn'd Testimonies to seize Gentlemen in their Houses, where the Laws should in a special manner protect them; and to lead them Captives through a great part of the Kingdom, under the Power of Outlandish Troopers, to furnish matter for a *Dutch Triumph*, was sneaking and mean as well as illegal and impious. But it's natural to those that have been trained up and habituated to any Course, to play at low Game, rather than stand out from practising what they have been inur'd unto. However, no Man will suspect either your Disposition or Qualification, to bespatter, accuse, and arraign little People, having been bred and accustomed to blacken and impeach Princes: For they that could forge Grievances in Governments, where there were few but what their own Luxury, Covetousness and Ambition made, and who could transplant the *Guisean* League from *France* to *England*, and make a Prince's Religion a Crime, incapacitating and disenabling him to enjoy his Civil Right, can easily, either upon the Suggestions of their Fear and Cowardize, or Incitements of Pride and Avarice, invent Conspiracies against Governments (in the upholding whereof their Honours, Fortunes and Prospects lie) and lodge them on whom they will, especially upon such against whom they entertain an inveterate Malice, and seem furnished with Probabilities and specious Pretences of gaining Credit to that wherewith they charge them. But I find that as Men grow in Years they encrease in Craft, tho they decay in Bravour; and that while they persevere in the like Criminal Methods, they learn to lay the *Scene* where there is less Danger, albeit parallel Guilt, than formerly they made themselves obnoxious unto: And no Man knows better than you, that 'tis

much safer, as well as more beneficial, to take upon you the upholding and serving a Government, by involving guiltless People in a forged Plot against it, than to be in a real one your self for subverting it; especially if the Conspiracy must be executed by Force and Arms, and not to be compassed and made effectual by Treachery, Lyes and Calumnies. For tho' in the former Case you have the dead Law with the Sanction of a feeble Penalty against you; yet it is too likely that you will have the living Authority steady and vigorous for you: And should your Crime be made as evident as it is heinous, yet considering with whom the executive Power of the Law is lodged, you may reasonably hope to be covered from the Punishment and Publick Disgrace, and only to miss to have the Fact openly justified, and your self publickly rewarded. But in the latter Case, you are, besides the Infamy that attends the Offence, sure to have Law back'd with Power, and Might authoriz'd by Law, to destroy you, and impoverish your Posterity. So that the Hazard is much less, tho' the Disgrace be not in pursuing that wherein you are now embarked, than in prosecuting the Plot wherein you were engaged, *Anno* 1682. For tho' you had been not only a warm Fomenter, but a principal Author of that Conspiracy against the then King and Government, yet when your Assistance was required, upon its coming to have been executed in *November*, your Fear being awaken'd and encreased, by the approach of the Danger, and your Courage not being answerable to your Disloyalty, you excused both appearing your self, and the giving the Aid you had promised, upon Pretence of a *Disease* that had overtaken you by an amorous Misadventure: Which having been told by the Duke of *Monmouth* to some assembled for fixing the Day, and for determining the Places and Manner of the Insurrection, after they had thereupon agreed to adjourn the Execution of the Design, it was pleasantly said by one of the Number, that he found *Dr. Parker* understood that Malady better than was imagined, and that he had not misnamed it in stiling it a *lazy Distemper*. Nor is the discovery of this to be interpreted a betraying of Secrets, there being no Obligation upon me to observe measures of Decency with one who, instead of attacking his Neighbours, either by the allowed and usual Methods of Law and Justice, or of pursuing them by an honourable and fair War, seeks to murder them by *Assassins* and *Banditti*; for such and worse I stile brib'd and suborned Witnesses. And, Sir, you must blame your self, and not me, if I know no Laws of *Decorum* to be observed in treating of you. You are one of the *Purlieus* of all that is due in the way of *Reinseance*,

in that not being satisfied to let loose upon us such infamous Miscreants as your *B*—s, your *K*—s, your *L*—s and *B*—s, &c. you have countenanced your Brother *H*—s—to involve us under all the Guilt that his Madness and Folly can invent, or his Impudence fasten upon us, either by himself or others.

However, I will always do my self and Mankind that Right, as to say nothing of you but what is true and necessary (as you have staged your self) for the World to know, and an honest Man to publish: Though I will not undertake, that all I declare will relish of the good Breeding, and have that Stamp of Civility upon it, which I am known to exercise towards others. And till we can lay your unrighteous Proceedings, and the unjust Sufferings of those you have caused to apprehend and imprison, before a Parliament, it is become absolutely needful, in order to the preserving the Lives of the Guiltless, and the Vindication of their Innocence; that we make our *Appeal* to the Kingdom, and proclaim your Administration to City and Country.

Nor does the apprehending so many Gentlemen, and confining them to Prisons, or the furious and general Hunting after more, conduce in the least to the Support of the Government, or to the Preservation of the Publick Peace. I do know, these are the Ends you would be thought to aim at, in your unrighteous, irregular and illegal Proceedings; and would have the pursuit of them to legitimate the worst Means by which you are in hopes to compals and attain them. But as you are both morally and politically a bad Man, and an ill Member of the Common-Wealth, and a worse Christian, to prosecute the best Ends by any other Means than what are just and legal; so you are a very hollow and weak States-man, if you reckon those Methods adapted to what you calculate and design them for: Seeing all to be expected from the Paths you walk in, is not only to render those revengeful and desperate, who were before quiet and peaceable; but, through your injuring so many of the Subjects, to alarm all. For if Innocency be not enough to protect and cover every Man, it will not be long judged sufficient to preserve and skreen any. And when all Persons find, that they possess their Liberties and Lives by no other Title than your Pleasure, and the Courtesy of your mercenary Witnesses, they will be sure to endeavour all they can to change and mend the *Tenure*: And the impoverishing or destroying one whom you either call or believe an Enemy to the present Constitution, upon the Deposition of Suborned Rascals, will change and transform all your Friends that have Wisdom or

Virtue into Enemies, and thereby raise and create you Thousands, when formerly you had not Scores. But though this be a *To-pick* proper enough to be inculcated and insisted upon, and on which it were easy so to enlarge as to expose your Conduct and Management, and make them ridiculous; yet there are others, and those less thought of, to the displaying and enforcement of which I intend to confine my self, and I do not doubt, but before I have gone through them, I shall demonstrate, from your Administration, that you are both a Traytor, either through Ignorance or Design, to K. William, whom you pretend to serve, and a Subvertor of the Government, which you take those impious and illegal Courses to uphold. In order to which I premise three Things, or rather propose them as *Postulata*, which command an assent as soon as mentioned.

The First is, That whatever there was of an *Original Contract* between former Kings and the free People of these Kingdoms, yet it is undeniable, there is a very *formal* and *explicite* One between K. William and them. And, to declare my Opinion freely, without Reserve or Disguise, I do know of none before, besides that which was couched and implied in the *Constitution*. And as it is impossible to produce or shew any other, so the very Supposition of one, is not only inconsistent with the Doctrine both of our Churchmen and Lawyers, but repugnant to the Drift and Tenure of all our Laws, and directly opposite to the express Words as well as the Sense of a great many Statutes. For what can be more irreconcilable than a *Contract* by which Kings are made deposable, or any way judicially censurable for Miscarriages in their Government: And those several *Acts* of Parliament that do not only declare our Princes to be unaccountable to their People, whether taken collectively, distributively, or representatively; but which do make it Treason *To take up Arms against them, on any Pretence whatsoever*: And to imagine it either lawful or practicable to Abdicate, Forfeit or Depose Kings, without a Liberty allowed of taking up Arms against them, is a Contradiction that none will pretend to reconcile, but they who are either *Lunatick* or deeply *Hypocondriacal*. And as for that *Contract* (if it might be called one) which was involved and tacitly wrapt up in the *Constitution*, the whole Import of it was, to declare the End for which our Princes were to rule, namely, the Safety, Peace and Prosperity of their People, and to teach and instruct them, that they were to govern us by Laws; but it

no ways provided, that they should be accountable unto, or arraignable by their Subjects, if they did not; leaving them for that only responsible to God, and no ways punishable here, saving by the Stings and Twinges of their own Consciences. But the Case is much otherwise between K. *William* and Us: For as by his countenancing the Abdication, and laying aside of K. *James* upon pretended Miscarriages in his Government, he declared upon what Terms he was willing to succeed him, and that he was contented to be accordingly dealt with, if he should prove guilty either of those or the like; so there was upon his Admission to the Crown, both an Enumeration made of Grievances by those that conferred it, which they demanded that he would redress; and a Delineation of Measures in and by which they did, as it were, stipulate how he should be bound to govern. 'Tis true, that they in *Scotland* were more explicit and formal in what they did in this matter and kind than we were: Yet there was enough done here to instruct him, that he is no otherwise King, than as he is upon his Behaviour: And that he holds the Crown, as the Judges do their Places, *Quam diu bene se gesserit*. And he may be sure that they who could extort and wrest from the *Constitution*, which gave no such Allowance, and much less Authority, a Power and Right to dethrone K. *James*, and transfer their own and the Peoples Allegiance from him, upon Allegations which were never examined as to their Weight and Importance, nor proved as to their Reality and Truth, will be ready and forward enough when the *Humor* and *Caprice* takes them, to treat him in case of Miscarriages after the same Rate; and will have that, both to warrant the doing of it, and to justify it when it is done, which they wanted before. For besides the Precedent they have made with his Allowance, and by which he has taught them that it is lawful as well as practicable, 'tis but for the People, when fretted and enraged by disappointment of their Hopes, loss of their Estates, invasion upon their Liberties and Rights, and their having their Lives brought into hazard without legal cause and provocation, to have recourse to the Contract and Stipulation between him and them, and thence to furnish themselves with Reasons, upon those Faults in the Administration, which you, Sir, more than any other, make it your Business daily to commit, both for legitimating and authorising another Revolution.

The *Second* is this, That through the not punishing any of the Ministers of the *late Reign*, who were by Law the only Persons accountable for Miscarriages in the Govern-

ment,

ment, you have made K. *W.* and him alone, responsible for the political Crimes of his Civil Officers. The Wisdom of our Ancestors made it an *Axiom* of our Government and State, *That the King could do no wrong*; and that therefore no Accusation of him could be justified, and much less any Force against him lawful. And indeed, this was the *Basis* of our *Constitution*, and the chief Source of Peace between the Sovereign and the Subjects, That the King, though clothed with the supreme Authority, and vested with all the executive Power of the Government, yet that doing all things by his Ministers, he could thereupon himself *do no Injury*, but that they whom the Law had intrusted with the Execution of Matters under him, were to answer and be liable to Punishment for all that was illegal and oppressive. It was upon this weighty Ground and Foundation, that Sir *John Markham* told *Edward* the 4th (as is reported by Judge *Hussey*, who was Chief-Justice under *Hen.* 7th.) That he could not arrest a Man either for Treason or Felony, as a Subject might, because if the Party so arrested had thereby Injury done him, he could have no Satisfaction against him. To which I might add many other Authorities, as that 16 *H.* 6. *Tit.* 1. *Jurans de fuite.* § 22 *H.* 6. *Naton*, when it was solemnly adjudged, That the King cannot command any one to be arrested, but an Action of false Imprisonment lies against him that arrests him. For hence it is that the King is said to do no Wrong, because he does nothing immediately himself, but does every Thing by his Officers of Justice, State or War. And therefore, tho' it never be allowed either to Officers or People to resist, be the King's Commands what they will, yet they are permitted, and 'tis a Duty they owe both to God and to him, in some Cases to refuse to obey: For when the thing required of Ministers is either immoral or illegal, it is not only extremely laudable in it self, but the best Service they can render their Master, both as to his Honour and Interest, modestly to excuse themselves from executing what either through Passion, Misleading, Ignorance of his Duty, or by mistaking wherein his own Glory and his Peoples Happiness consists, he was pleased to enjoin: For as a Prince's Salvation hereafter as well as Great and Honourable Fame here, depend more upon his wise Administration and good Government, than upon his private Morals and good Life; so the goodness of his Government depends exceeding much upon those that advise him, and those that execute under him; tho' they are always to yield unto their Prince all the Reputation arising from the wisest Counsels and best Performances,

formances, and never to intercept the Credit and Honour of them from him Nor is there a more infallible Maxim than this, namely, That he is not the worst King, who is the worst Man; but he who has the worst Counsellors about him, and Instruments under him. Now K. *James's* Ministers having escaped all publick Accusation and Chastisement, whom the Law made the only Persons obnoxious to be arraigned and punished, there is thereby another very unfavourable, and, as it may prove a pernicious Precedent made and established for K. *W.* For whereas they in K. *James's* Confidence, and at the Head of his Affairs, should have been only pitched upon to answer criminally for all those Things that were called Miscarriages during his Reign; he whom both the Constitution, and all the Laws of the Land made not only impunible but innocent, was (as a learned and most worthy Man expressed it once in a Coffee-House) selected as the *Scape-Goat*, to have all the Offences of the Ministers, and of the subordinate Tools of the Government, transferred and laid upon him, and *drove* away, under the Guilt and Weight of them, into a Wilderness and Land of Oblivion: Which Original, should it come to be copied, would too late, but unhappily to your Master, shew what a bad Minister you are to him. In contracting Guilt which he may be made a Sacrifice to expiate, and committing Crimes misbecoming your Character, and contrary to the Duty of your Office, that K. *William* may undergo the Reproach, and bear the Punishment of them. But to decline the pursuing this Head any further, I shall only take notice how the subjecting King *James* to suffer in the stead and room of his Ministers, when the Law had only marked them out as Offerings of Atonement for his Faults (had he been guilty of any) as well as their own, has exposed K. *W.* to some very ill-natur'd Reflections, but it is hoped they are not so true, as they are piquant. One is, That notwithstanding all the glorious Promises made to the Nation in the Prince of *Orange's* Declaration, Dated at the *Hague*, Anno 1688, and all the Accusations therein fastned upon and Menaces denounced against K. *James's* Ministers, that yet it appears by the Events, and the whole Tenour of Transactions since, how neither the chastising of those ill Men, nor the relieving the Kingdom from Pressures and Oppressions, or the redressing what was called Grievances, were the Ends of the P. of O's coming hither, but that his main, if not whole Design was to supplant his Father-in-Law and Uncle, and to get the Crown. To which they add another, namely, That K. *W's* having
been

been mainly instrumental in saving and protecting the former Ministers, who ought to have been punished, and not their Master, was not only to prevent the discouraging, but to embolden those whom he employs himself under the like Character, to be the more willing to venture upon illegal Things, and the less to hesitate at the executing of his own Arbitrary Commands. Nor do they forbear to subjoin a *Third*, viz. That those ill Men came therefore to be over-look'd and covered, because they were the Prince's Pensioners and Tools, while by their Oaths and Places they were *K James's* Ministers; and that they were hired and instructed from abroad to betray and disserve their Master at Home, that they might serve and furnish Pretences for the Prince's Invasion.

But I hasten to my Third *Postulatum*, which is, That most of those who serve this Government, as well as all those who refuse Allegiance to it, believe him on the Throne to be only King *de facto*, but not *de jure*: Nor is this merely the Opinion of your *Non-Swearers* and those called *Jacobites*, but it is the firm belief of Two parts in Three of your *Swearers*, who are vulgarly stiled *Williamites*: For the utmost that either Law or Religion will allow them to acknowledge, is, That he is a King by *Exercise*, but not by *Right*. 'Tis in this that *Sherlock* has many more Followers than *Johnson*; the Rich, Great, Learned being of the *Sentiments* of the former, whereas few but your unthinking *Mob*, and downright *Republicans* are of the belief of the latter. Now all that this Principle can carry any unto, when most under the Impression and Influence of it, is to serve the Government upon the Motives of *Convenience*, but not upon Inducements of *Conscience*. And to submit to it, and exteriorly own it, upon the foot of Safety and Interest, but not on the Score of Duty and internal Reverence. And those men being uneasy through the Reproach that attends their Inconsistency with themselves, and through the Lashes which they receive from their own Minds, for owning that, the Righteousness whereof they do not approve, and swearing to uphold a Constitution, which they believe to be not only illegal, but morally unlawful, they are thereupon both weary of the Government, and would be rid of it. And all that hinders their co-operating openly to it's Subversion, is an Apprehension, that it cannot be effected without too much private and publick Damage; which restraining Thought, in the opinion of some, though it may argue the Goodness of their natural Temper, yet it speaks a mean

mean and ungenerous Understanding. Now all these, who are indeed the Bulk of the Nation, are extremely pleased at the Irregularities, illegal Excesses, and Miscarriages of the Ministerial Conduct and Management; there being nothing that they do more cover, than to see the Government loaded with Infamy, and rendered odious; as reckoning it a meer Usurpation, and not a lawful Establishment. So that, Sir, your Administration gratifies many Thousands whom you call your Friends, as well as it doth all your Enemies, because the Iniquity and Badness of it gives the one and the other prospect and hopes of seeing the Government pulled down, with more Facility and Resistance than it was set up: But how Loyal you are to your Master in the mean time, we shall discourse anon.

And therefore having discharged the foregoing *Postulata*, with all the Brevity that the Matter would admit, I shall now proceed to a more particular Recapitulation of the Miscarriages in the Conduct of K. W's Ministers, and chiefly of yours, which have far exceeded that of others in Illegality, Inhumanities and barbarous Practices. And I do challenge all Mankind, ere I advance any further, to name so much as one Thing called a Grievance under the Reign of K. James, that has not been repeated or undergone since the Reign of K. W. May be we have not had all the same things over again in *Specie*, but we have had them to the full in the Value and Equivalent. And for those we have not had *specifically* repeated, it is not because they have been thought unlawful, but because the Passions and Inclinations of K. W. and his Ministers, are of a distinct kind from those of K. J. and travel in a different Road from what his did. But if the former King did in some things exceed the Bounds which the Law had chalked out as the Measures of his Government, that he might thereby have brought all his People to stand upon the same level of Capacity, in reference to civil and military Employs, and in order to putting a Period to Persecutions for matters of meer Conscience and revealed Religion, without damage to the Church by Law established, either in it's Dignities, Properties or Jurisdictions, they were to Noble and Royal Ends, as might have served to excuse, if not to justify, the little irregular Excesses taken and pursued for compassing of them: Whereas we have since the Revolution not only seen the principal Offices of Honour and Trust, rightfully due only to natural Subjects, conferred and bestowed chiefly upon *Foreigners*, but have had the Misfortune to be often arbitrarily rob'd of our Liberties, which is both the leaving us no legal bottom at all to stand upon, and infinitely worse in it self, than the having our Country-men, Fellow-Christians and Neigh-

Neighbours brought, in the things forementioned and practised under K. *James's* Reign, to live upon the square with our selves. And the Invasion upon our most essential Right, as well as the first and most inseparable and valuable Property, which is that of the Freedom of our Persons, and safety of our Mansion Houses, has been so daring, notorious and often repeated, that the Ministers of K. *W.* have been forced to solicit and procure divers Acts of Parliament, sometimes to legitimate them beforehand to commit Rapine upon our Liberties; as in the dispensing oftner than once with the *Habeas Corpus* Act; and at other times to indemnify them for the Violences they had perpetrated without a previous Allowance. And as we have had the same or the like Oppressions and Grievances renewed, which we pretended to be under, and so much complained of before; so there are two very ill favoured Aggravations attend the latter, wherewith the former were no ways accompanied. One is, That we have increased our *Disease*, where we expected our *Remedy*; and that those who set up for our *Physicians*, have enlarged our *Wounds*, in the stead of curing them, and that we have *Poyson* administred to us in the room of healing *Medicines*. All Men know with what different pre-apprehensions in many of the People K. *J.* and K. *W.* came to the Crown, and the first as much exceeded our hopes, as the last has disappointed them. The other is, That whereas K. *James* erred upon Example in most Things, without reasonable and temperate Caution given him in any, and upon the Authority of the Judges (whose Office it was to expound the Laws to him) in *some*: The Illegalities of this Reign are, in Contradiction to Promises, in violation of Stipulations, in defiance of Warnings, without the Countenance and Concurrence of the Judges, and with the Improbation of the Parliament, registred in divers of their Addresses: From which it is very obvious for peevish People to draw a couple of unfriendly but very natural Consequences; namely, that as by repeating the worst of Things chargeable upon King *James's* Government, as well as by perpetrating those of a more mischievous nature, than any it could be accused of, you have ridiculed all the Motives of his Abdication, and made it an Act of insolent Disloyalty, and perverseness of Will, and not of Zeal to preserve our Laws, and vindicate our Liberties; tho' had that been as real as it was pretended, it would not have justified the doing of it: So the Ministers of K. *W.* by doing both the one and the other, have not only given occasion for, and provocation unto another Revolution, but have made it vastly more needful, as well as more vindicable than that which was before.

Now tho' the Illegalities and Miscarriages, whereof you are guilty in your Ministerial Administration and Conduct, do extend to all the Parts and Branches of your Office, both as you are a Privy Councillor, and a Secretary of State, and be of no less compass than the vast Latitude of Affairs, wherein you have occasion to interpose, under the one Capacity as well as t'other; yet I shall not only confine my self at present to those Offences, Transgressions and Crimes, whereof you are accusable as *Secretary of State*, but even narrow them to such as meerly relate to your seizing, detaining, treating Men while in hold, and prosecuting of them upon pretended criminal Allegations of Treason or Misdemeanor against the Government: And these are so various for their Quality, and many for their Number, that I shall have both sufficiently represented you, and done what becomes me to awaken and alarm the Kingdom, before I have gone through them; which I purpose to do with all the Brevity imaginable. And the *First* of this Sort whereof I not only accuse and publish you Guilty, but consign you over to the Parliament to be impeached and prosecuted for it, is your hounding out the *Messengers* of the Government, armed with *Blank-Warrants*, by which they take upon them to apprehend and make a Prey of whom they will; which is in effect to furnish them with a Pretence, if not to cloath them with an Authority to bid every one Stand, and Deliver, whom they meet with. And were not the *Jacobites* more tame, as well as peaceable, than you would have them be believed to be, they would long e're this, without becoming guilty by Law, either of Man-slaughter or Murder, have stabb'd or pistoled some of your Officers, who have assaulted and hall'd them to Prison, under the Countenance of your Hand and Seal, without the least mention of Names, by which they ought to have been individually pointed forth as the Persons to be apprehended. For what is this but to commissionate your Officers to go a *Mucking*, which authorizeth those that first can to knock them on the Head, in order to secure the publick Peace, and to prevent their going about as privileged *Assassins* of our Laws and Freedom. For a *Badge* and *Blank-Warrant* do, according to our Laws, and those of all Nations besides, no more restrain me from resisting, and thereby defending and vindicating the Liberty of my Person, than the *Blew Cloak* and *Case of Pistols* of a *Dutch Trooper* do forbid my drawing upon him when he violently assaults me in the *Street* or *Road*. Nor does the issuing out of such Warrants import any thing less than the furnishing Fellows with a License to rob Men; seeing those whom they once seize, must before they recover their Liberty

berry pay down a Ransom for it: Which, to express it with all the Modesty I can, is the transforming the Office of a *Secretary of State*, into that of *Licensor for Picking of Pockets*. And as it is a Rule among a certain Tribe of Men, that the *Holder and Receiver* is to have Shares with the *Diver and Taker*; so it gives too much ground for a Suspicion, that either you or your Clerks find your Interest and Advantage in this Pillage. But to wave the giving this Practice any further the Character which it justly deserves, I shall only say that as it is highly illegal, so it is extremely inhumane and barbarous.

A *Second Contempt* of the Law, as well as neglect of, and deviation from it, in the Execution of your Place, is, That tho' you insert the Names of those in your Warrants whom you would have seiz'd, yet you do not always express and specify the Crimes, for which you require them to be apprehended. Nor is this Method of your Administration less arbitrary and criminal than the former was: For as no Title you bear, or Character you are cloathed with, empowers you to de seize any Man of his Liberty, but whom the Law de seizeeth, nor for any Offence (how much soever it may provoke and enrage Mr. Secretary T - - -) but that which the Law has made thereunto obnoxious; so the Commanding to apprehend Men without mentioning their Crimes, is the acting despotically, and the advancing your Will and Passions into the Place and room of Laws. It is an *Axiom* in our Constitution, That *Corpus* and *Causa* must go together, and where there is not that which the Law accounts the last, no man, be his Title what it will, is legally empowered to lay hands upon the other. The Monarchy of *England* is not *Seignioral*, but *Royal*; being a Government under which we are *Freemen*, having Rights and Properties; not *Villains* and *Slaves*, who have neither Right nor Property in any thing: And therefore whatsoever the Subject has a Right in, he must both be entitled peaceably and securely to enjoy it, and have a Remedy for the recovering it, if disseized and dispossessed. And without these, it's in vain to talk of being governed by Laws, all we are and have being subjected to Will and Pleasure. But so provident is the Law in this matter, that the *King's Writ* under his Great Seal cannot imprison a Subject, unless it shews a *Cause*: And were a Writ of that nature sent to a *Sheriff* to be executed, he may return it without doing what is required, and he is no ways punishable for his Disobedience or Neglect, the Writ having been void in Law. And can we imagine, that the *King's Warrants* issued out by a Secretary ought to have more power and efficacy by the Law, than his Writ under his Broad Seal hath? Surely,

we must renounce Sense and Understanding e're we sink into such a Belief. And if the Law doth not give you a Power over our Lands and Goods, nor any Prerogative wherewith the Kings of England are vested allows you to meddle with any Man's Estate or Chattels; much less can you in their Name, and by their Authority, imprison our Persons, seeing Scripture as well as Reason do assure us, *That the Body is more worth than Raiment*, where, by *Raiment*, according to all Expositors as well as the *Canonists*, every thing that is outward is meant, to distinguish it from Corporal. For the Common Law hath so adjusted and circumscribed the King's Prerogative, as that he cannot Prejudice any Man in his Inheritance, and the greatest Inheritance a man has, is the Liberty of his Person, all other things being subordinate and subservient to that. Yea, so tender is the Law of our Liberty, that if a Wrong be done to a Man's Person, it does not oblige him to sustain it, and afterwards accept a Remedy; This being a Rule in Law, *That Corporalis Injuria non recipit Estimationem e futuro*, that no Damages recovered by the Injured Person are a sufficient Recompence for a Wrong that is Corporal. And therefore, where the Law doth not seize a Man of his Liberty, and render him imprisonable, it makes many things lawful in Defence of it, which otherwise would in some particulars be Trespases, and in others very heinous Offences. Accordingly, it is a *Maxim* in the Law, *Quod quis ob tutelam Corporis sui fecerit, id jure fecisse existimatur*, That whatsoever a Man does in the necessary Defence of his Person, he is to be esteemed to have done it rightfully. Nor can any man be innocent, that you from Pique, Revenge or Avarice have a mind to make Guilty; if your bare voting and pronouncing him so in a Paper with your hand and Seal to it shall subject him to be treated as if he really were. How often does it come to pass, that in Matter which the Law makes no Offence; may give more Provocation to a Minister of State, than that which it declares and publishes a heinous Crime? Must he therefore be allowed to wreck his Spleen in punishing the former, more than he does imploy his Justice in chastising the latter? For example, Should any one write a *Satyr* on the present Government, with the Wit and Acrimony that *Petronius Arbitr* writ one upon Nero's Court, there are few Punishments so severe but the Law would adjudge the Author to them. Whereas should the History of the last five or six Years Transactions be writ with the Truth that becomes an honest Man, and with that seasoning which may make it palatable to the Age, the Law would render this no Crime, nor subject the Writer to any Penalty; and yet some think, that such a History would more provoke and enrage the Government, as well as

render

render it more ridiculous and contemptible, than all the *Satyrs* in the World would. So that when your Ministers are most angry, there is not always the most legal cause for it. And therefore, if the reasons of every Apprehension and Commitment be not declared in the Warrant, a Man may be treated as a Traytor against K. *William*, and a Conspirator to overthrow the Government, when at the bottom all that the Gentleman is taken up and thrown into Prison for, may be only a piece of Banter upon the *Green-Ribbon Secretary*, or a Lampoon upon the mighty Statesman, perfected in the Politicks by the Degrees he took at the *Rose-Club*. For it is not your knowing my Name, and the inserting it into a Warrant, that gives you a Right over my Person and Freedom, but my being charged with some Offence, for which the Law has made me forfeit my Freedom, and rendered me imprisonable. And if my Offence were not to be expressed in the Warrant, I might come to lose my Liberty, tho' innocent of any Crime against the State, merely for being thought to know too much of the Treachery and Bribery of certain Ministers, which an observing Person must shut his Eyes, and stop his Ears, as well as avoid all Conversation, to remain long a stranger unto. In a Word, we hold not our Liberties by Law, but precariously, and at the Discretion of our Enemies; and are no more Freeman but Slaves, if we were not to be told why we were stript and divested of them.

A Third Thing whereof you are accusable, as departing from and transgressing the Law, in the execution of your Office, is, That tho you both specify Persons and Crimes in your Warrants, yet you order the apprehending Men for those Crimes, upon bare and naked Suspicion, without any Proof or Deposition upon Oath before you of their being guilty of them. The common Tenour of the Warrants for a long time used to be, The empowering the taking up such and such, upon Suspicion of Treason and High Misdemeanour against the Government; till this Form of Commitment coming to be argued at the *King's Bench Bar*, Anno 1690. such Persons were declared to be taken into Durance *contra Legem Terræ*. For tho' according to Law a Person may be taken up upon Suspicion, yet he cannot be legally detained and imprisoned upon Suspicion, but where there appears no more against him, he is to be discharged, or at least admitted to Bail: There being this Difference between *Discharging* and *Bailing*, that the last is a kind of Imprisonment, where as the first is a total Delivery; In the one Case the Man walks abroad,

abroad, dragging his Chains after him, and as a Prisoner upon Parole to his Sureties: In the other he is a perfect Freeman, and may dispose of himself (so as it is without Injury to any) as he will. But neither the Illegality of the thing in it self, nor the Declaration of the Judges that it is so, has been sufficient to deter you from proceeding sometimes in the same Method and Course. Nor will it fail sooner or later to rise in Judgement against you, that having committed Col. Parker to the Tower for High-Treason, as you pretended, yet you told my L. Lucas, that you had not Witnesses against him, but were resolv'd to keep him in hold, till you could procure some: Which that noble Lord imparting to the Colonel, either out of Friendship or thro' Indiscretion, he thereupon contrived and made his Escape. For what less was this than to tell him, that how innocent soever he might be, yet he was to be destroyed, and made a Sacrifice to Malice and Revenge, when he could not be to Justice; and that tho' he was so not guilty, yet it was designed and concluded he should be made so: Nor can any Thing be more arbitrary and illegal, than without Information upon Oath to apprehend and commit Men, and because you are pleased to suspect them to be guilty, to treat them therefore as if they were. Surely, If Suspicion be sufficient to render Persons guilty, and subject them to be proceeded against as if they were, very few will be long safe, or accounted innocent. And as your most timorous Creatures are always the most suspicious, which makes the *Ape* and *Baboon* to fear and flee from the *Snail*; so, of all Persons that ever exercised the Office, which you are now honoured to do, you are the best qualified, through constitutional Cowardice and Fear, to entertain treasonable Suspicions of all such whom you hate, and do therefore dread. But pray Sir, How would you have stiled such a Proceeding heretofore against your self? Seeing your Memory cannot be so weak and treacherous, as that you should have forgotten, how during the several Years that you were really guilty of plotting and conspiring against King *Charles the second*, you were nevertheless permitted to live at Ease and Peace, because the Ministers of that Government had not positive Evidence against you: tho' they had all the while both Suspicion enough, and too much Ground for it. And is this the best Return you make the Nation for having been released and discharged out of the Tower, after a short and gentle Confinement, *An. 1683.* when Hundreds, as well as your self, knew you were guilty to the highest Degree, and yet dis-

charged because there did not appear sufficient and credible Evidence against you? Is this the blessed Advantage we have attained unto by the laying aside those whom we stil'd *Tories*, to introduce and employ such who gloried in the Name of *Whigs*? And are these the Felicities we are to reap by a Government under which all the Grievances of former Reigns were both promised and expected to be redressed, to find the Fingers of the Ministers of this, heavier than the Loins of the worst of those that were employed under the two last? Tho the Woman that had been in the Oven, might be excus'd for looking for her Daughter there, yet it would have been unkind, as well as unnatural and unjust, when she did not find her, to have accounted her guilty, and to have treated her accordingly, merely upon the remembrance of her own Crime. However, it is from this illegal and villainous Practice of apprehending and imprisoning Persons upon naked Suspitions, that you are forced to hawk after, bribe and stubborn Witnesses against them after you have taken them into Custody: For this is that which you become in a manner necessitated unto, for the Vindication of your Wisdom and Justice in having committed them. And they had need have a great deal of Vertue, as well as Honour, to enable them to escape the Temptation to such Villanies, who have run themselves into Circumstances, that they must either get those destroyed, or be disgraced and punished themselves. Is it not enough that your imprisoning any one for Treason is equivalent to a *Si quis* against him, to invite and allure all that can to come in and depose; but that you must send through the 3 Kingdoms, as well as the several Counties of *England*, to enroll and muster Witnesses, and to allow more for levying one qualified for Villany and Impudence to do you Service at the *Old-Baily* and *Westminster-Hall*, than for lifting a whole Foot-Chmpany to fight in *Flanders*. And by setting a Price upon the Lives of innocent Men, but whom you are pleased to suspect as criminal, you draw in the necessitous and mercenary to drag them by Perjuries to Scaffolds and Gibbers. But to conclude this Head, *Festus* the Heathen Roman was better instructed in this Matter, than some of our Christian Secretaries are under all their Advantages of Revelation, seeing he could say, as we have it recorded in the most infallible History, namely, *Acts* the 25. ver. the last, *That it was without Reason to send a Man to Prison without Cause.*

But I proceed to a *Fourth* Instance of your violation of the Laws in the Administration of your Office, which is,
That

That when you humble your self to assign the Offences for which you order Men to be apprehended, you frequently alledge and insert in you *Warrants those Matters for Crimes* which the Law does no way account *sufficient either for the seizing or detaining any*. Actions are stubborn and unpliant Things, which it is in the Power of none to alter or raise the value of beyond what the Law has set them at, and stamp them for. So that tho' you make *Dutch Shillings*, which are not intrinsically worth *Two Pence*, to pass for an *English Six Pence*, yet you must not think of doing so by Actions, tho' really offensive; and render that *Treasonable*, which is but an *Undecency*, or at the most a *Misdemeanour*. To pass at *White-Hall-Gate* may draw the Guard upon one till he has paid his *Six-Pence*, which tho' he be not obliged to do, yet he is willing to bestow, rather than draw a Crowd about him, and he be houted at; but it were to push such a matter too far, to send the Man to *Newgate* or to the *Gate-house* for it: And yet I am very apt to believe, that should you produce it as an *Overt-Act*, whereby to prove the Person guilty of having designed to murder *K. W.* or to blow up the *Tower*, you might have some *London Juries* that would both find the Bill and convict him upon it. Tho' you be privileged'd to bestow upon your own Children (whether begotten in *Wedlock* or out of it) what Names you please; yet you are vested with no Right of giving other Titles to Men's Actions than what the Law has conferr'd and fastened upon them. And to speak plainly, your committing Persons (as the usual Tenour of your Warrants run) upon pretence of their having *been Aiding and Assisting to K. William's Enemies*, without the condescending to mention the Particulars wherein, which you seldom vouchsafe to do, are no legal Commitments, but highly Arbitrary. For besides, That the Law admits no Man to be divested and seiz'd of his Freedom upon general and indefinite Allegations, without mentioning at the least the *Species* of the Crime; if not the individual Act; so there are innumerable Cases, wherein a Person very Loyal to this Government may be aiding and assisting to *K. W.'s Enemies*, and in the mean time be neither guilty of *Treason* nor *Misdemeanour*. For suppose I were indebted to a Banker or a Merchant in *Paris* the sum of *Ten Thousand Pounds* for redeeming my Wife and Children, and ransoming four or five Ships from *Jamaica* or *Barbadoes*, on which my whole Estate and Fortune had been imbarqued, which through the Neglect of the Government to protect our

Navigation and Commerce, had been taken by *French Privateers*, whilst our Fleet was fooling away a Campaign, and squandering the Treasure of the Nation upon the impracticable Expeditions of *Bombing Brest and Callice*, and blowing up *Dunkirk* by your *Machine Vessels*; this were an aiding *K. W's* Enemies, as well as a relieving my self: And yet it would be so far from being any sort of Crime, that it were a Duty I ow'd my Family, as well as a Justice to my Creditor. Or suppose, that a General Officer in our Army, thro' staying too long in the Field to cover the Escape of *K. W.* and to facilitate the Flight or Retreat of our Troops at the Battle of *Landen*, and thereby coming to be wounded, made Prisoner, and carried to *Namure*, where, by *Luxemburg's* Order, he was better treated than he would have been at *Brussels*, should, in Recognition of the generous Care that was taken of him, and in gratitude for the noble Entertainment he had received, send to the *Marshal* at the beginning of this Campaign, 2 or 3 of the best Horses he could purchase for Money; this were certainly to be aiding and assisting to the King's Enemies, and yet none will believe it a criminal, and much less a treasonable Offence, unless they be both furnished with your Morals, and enriched with your Law and Politicks. Let us put the Case, That one of the *French King's* Physicians, or some other near his Person and extremely in his Confidence, should offer to poison him, provided *K. W.* or the Commissioners of the Treasury, would promise to pay them a Sum of Money; most infallibly, the discovering this to *Lewis Le Grand*, would be an aiding and assisting the only Person in the World whom *K. W.* thinks most his Enemy: And yet no Man of Sense, Honour or Vertue, would account it a Crime; seeing the *Roman Consuls* detecting the like to *Pyrrhus*, when in actual War against the *Romans*, in the very Bowels of their Countrey, was so far from being esteemed an Offence against the Senate and Commonwealth of *Rome*, that it had both the Praise of that People then, and the Commendation of all Nations and Ages since, of being a noble, brave and virtuous Action. Or suppose, That some of our almost ruined Merchants, and particularly Mr. — who lost Shares and Cargoes in 23 several Ships, which the *French* have taken, notwithstanding the utmost Care both of our Royal Navy, and our three and forty Cruisers, appointed by Act of Parliament to secure and preserve our Trade, I say, suppose that such Persons shall (after the Pattern of the Merchants of *Amsterdam* and *Rotterdam*) make themselves

Freemen

Freemen and Burgeſſes of Stockholm or Copenhagen, and in that Quality freely and boldly trade with *France*, this would not only be an aiding and aſſiſting of the King's Enemies, but the running counter to an expreſs Act of Parliament, that makes it highly criminal; yet I do not think that the Government would do wiſely to call it Treason, and to proſecute it as any manner of Crime: Unless our Miniſters have a Mind to ſacrifice the whole Nation to the Intereſt of the *Dutch*, and be embarqu'd in a deſign of breaking the *Exchange of London* to enrich thoſe of the *Seven Provinces*. For whatſoever our Law doth make it, yet you cannot be ignorant that it was within thoſe few Years accounted to be in the power of *Britiſh* Subjects to transfer their Allegiance to *Foreign States*, this having been not only done, but juſtified in Print by an Eminent Divine, and as Famous a Man, now dignified at *Salisbury*, who under that Plea, Covert and Protection, not only correſponded with the Enemies of his natural Prince, but plotted and conſpired the higheſt and bareſt-fac'd Treasons againſt him. And it were worth our knowing, whether he were not preferred to a Biſhoprick upon the Merit of being ſubject to the *States-General*; and whether he doth not ſit in the Houſe of Lords (where he pretends to have a mighty influence over Debates) under the Qualification of the Allegiance he ſwore to thoſe *High and Mighty*. But may be he has a peculiar Priviledge, which other People claim not, of renouncing and re-aſſuming his Allegiance as his Intereſt guides him; and that our Laws are as pliable to that learned Man's Conveniencies as his own conſcience is. For *quo teneam vultum*? And before I diſmiſs this Head of your apprehending and imprifoning Men, for what the Law does not hold and account a ſufficient Cauſe for either; I ſhall remind you of your late Methods of Procedure againſt Col. *Parker*, and Mr. *Crosby*, who being committed the one to the *Tower*, the other to *New-gate*: And having an aſſurance of their own Innocence, and that you could legally charge them with no treaſonable Crime, did thereupon ſeverally move by their Council, the laſt *Trinity-Term*, for their *Habeas Corpus*, and obtained it; but when they expected and ſhould have enjoyed the benefit of it the laſt Day of the ſaid *Term*, you took care to deprive them of that Favour, by cauſing to exhibit; and obtaining to have found two *Bills* of High-Treaſon againſt them; upon their having been in Arms in *Ireland*, for, and under *K. James*, which could be no legal ground for an Indictment; all ſuch Things (if ever they

they were Crimes) having been pardoned by the *Articles of Limerick*, and by a Treaty ratified and exchanged, made impunible: And accordingly you never durst since venture to try them upon those Indictments, as knowing that they must have been acquitted, and the Government have undergone the Infamy of all the Trouble and Hazard which those Gentlemen had been brought unto. So that instead of discharging your Duty and Office in this matter according to Law, you set up to play tricks, in order to elude the Laws, illude the Nation, and oppress free-born Subjects, and that of equal Quality and Education with your self; for which it is hoped, both You, and such of *K. W's* Council at Law as were concerned in it, as well as *Mr. Aaron Smith*, will ere long be made accountable. And the Parliament having, in their former Meeting, begun to take notice of this irregular and illegal committing of Persons, upon Pretences of having aided and assisted the Enemies of the Government, when the Practice neither reached to so many as it now does, nor was accompanied with so much Scandalousness; I shall therefore refer both the further Enquiry into it, and the inflicting those suitable Punishments for it which it deserves, to the next *Session of the Two Houses*; where it is little to be doubted, but that the Dishonour and Misery which the Kingdom is sunk into, will in despite of your *Rich's* and *Clarks*, awaken them to be more careful of our Lives and Liberties, as well as of the old *English* Constitution, than their giddy Zeal, or at least an intemperate and *Mobbish* Noise, have allowed them hitherto to think of, with the Circumspection and Prudence which become them, in reference to themselves, their Country and Posterity.

And therefore I advance to a *Fifth* irregular and arbitrary thing, in the manner of your seizing and committing the free-born People of *England*, which is, That when you have both published the Names of the Persons whom you would have taken, and specified the Crimes for which you authorise your Messengers to apprehend them, yet you do not always declare, as you ought, that the legal Transgressions for which you make them imprisonable were sworn and deposed upon Oath before you. For it is not enough, that such and such things are sworn, but it ought to be express'd in the Warrant, that they are so. And be your personal belief of their Guiltiness of such and such Facts never so well grounded, and be your Credit as good as any can imagine or desire, to reconcile the Faith of others to what you say, yet the Rule, Method and Prescription

Prescription of the Law are to be obeyed and attended to ; and the Law expressly requires, that you should not only mention in your Warrants, that you are informed of such a Persons having committed those and those Criminal Offences ; but that you have the whole Matter, with the enhancing Circumstances of it, *deposed upon Oath before you*. For so tender is the Law of the Subject's Liberty, that it will not have it depend upon, or be forfeitable upon the most credible Man's Accusation, tho' of never so heinous a Crime, unless he both can and do actually swear to it. Nay further, Our Freedom is of that preciousness, value, and esteem in the eye of the Law, that it will not allow a Person's being despoiled and divested of it upon the single Oath of any one, tho' never so great and honourable ; but it expressly requires that there should be more, and that at the least there should be *Two*. 'Tis true, that a Man is liable to be taken up and brought before a Secretary of State, or any other Officer of Justice, upon *one* Oath ; but there must be no less than *Two*, in order to confine and imprison him, and to preclude him from the Benefit of Bail : Yea, *Treason* it self, and the highest that can be imagined, sinks into bare *Misdemeanour*, when there is but *one* Testimony upon Oath against the Offender ; and that which is in it self Capital, becomes in such a case obnoxious only to lesser and more trivial Punishments. I do mention this, because of what was perpetrated by the Ministers of the Present Government, *An*. 1692. when so many Persons of all Ranks and Degrees in the Nation were apprehended and committed without any Deposition upon Oath against them, or at the most upon a *single one*. And when some of the first Quality of *England*, after they had made their Application to the Court of *Kings-Bench*, in order to be Bail'd, were remanded back to Prison upon Mr. *Aaron Smith's* deposing that he had Evidence against them ; whereas it appeared by the Issue afterwards, that the most he had (if that) against any one of them, was a single and individual Witness ; which is no evidence for the detaining of Men, and precluding of them from the *Habeas Corpus* Act, because not legal and according to what the Laws of the Land do require. And it hath very much detracted from the Reputation, Justice and Honour of the *House of Lords*, that they tamely connived at such an Injury done unto, and Affront put upon their Honourable Fellow Members, and that they did not both imprison the presumptuous and daring Deposer, and order him to be prosecuted according to the ut-

most Rigour of the Law, or at the least, that they voted him not to be for ever incapable of serving the Government in any Place or Capacity whatsoever. But we hope they are by this time grown more sensible of their own Dignity and Jurisdiction, as well as what they owe to the Kingdom, the ancient *English* Constitution, and Generations to come: So that they will treat him otherwise the next time he is handed unto and staged before them, which will speedily be done, if for nothing else, yet for the *Bills* he prefer'd to the *Grand-Jury* against Collonel Parker and Mr. Crosby, in direct contempt and Defiance of the *Articles of Limerick*, which had annull'd and superceeded all Prosecutions of that kind, as well as in a visible subserviency both to Involve *Ireland* in a new War, and to shake the Peace and Tranquility of this Kingdom. Seeing, if Stipulations and Agreements be not so duly observed, as that People may rely upon them for their Safety, they will think of finding better Security, tho' they must come to be indebted for it to their Swords. However, so it is, that thro' the Parliaments over-looking the Arbitrary and illegal Proceedings of the Ministers, *An. 1692.* you, Sir, have been encouraged and emboldened to revive and repeat the same unjust Practices in the Year 1694. But we would humbly presume to expect that both the *Houses* will think of *bitting* that *Blow* now, which they took not that notice of then, which they ought. And it is in order thereunto, that we *without Doors* publish our Complaints in this manner to those *within*; that if they will not vouchsafe to hear and relieve, the whole Kingdom may understand, both how precariously every Man possesseth all that is valuable unto him, and how little care, particularly, their Representatives take of them.

But I hasten to another Grievance which the Subject groaneth under in reference to his Liberty, and which maketh the *Sixth* Illegality in the execution of your Office, and in your Administration of the Affairs of the Government, and this is, That your Messengers do often search Houses, and that by Night as well as by Day, *without the Presence and Company of a Constable or a Headborough.* So careful is the Law, in relation to our Liberty, and preservation of the Freehold that every one has in it, that as it will not suffer the House of a Peer to be searched, nor his Person there apprehended, without the Presence of a *Justice of Peace*; so it doth not allow the breaking into, and searching the House of the meanest *Commoner*, without the Aid and Assistance of a

Constable.

Constable, or one of parallel Character, tho' in some places otherwise stiled. Those whom the Court calls *Messengers* are no civil Officers, nor does our Law know them by any Title that empowereth them to meddle with Mens Persons or Goods, farther than as they are Secretary-Office and Council-Chamber *Porters*, to carry Warrants and Orders from thence to the *Justices of Peace* or *Constables*, to get them executed. Neither have the very *Secretaries* any Authority or Jurisdiction over the Liberty of the Subject, in the Quality and under the Figure of *Secretaries*, but merely as they are themselves *Justices of the Peace*: Tho' I know that in their own single Persons, as well as towards others, Mr. *Secretary* doth often supplant Mr. *Justice*, and usurp over him. Yet this I do affirm, that, according to our Laws, all that they can pretend unto and claim under that Character, is to write Letters, hand the Peoples Petitions to their Master, and his Answers to them, and the like; but they have no power to deseize Men of their Liberties, or take away their Papers, &c. otherwise than as being *Justices of the Peace*. 'Tis true, there is another thing very much in Fashion, which, for what I pretend to understand either of Matters of Law or State, their Jurisdiction may extend unto; and I am sure that some of them, thro' the Profit they make by it, find their Interest in it, and that is the supplying your Gazetteers and Writers of News Letters with *Cargo* of Intelligence; the Honour whereof I do no wise envy those that practice it, being in my Opinion no better nor other, than the furnishing Wind at a certain Price to the *Speaking-Trumpets* and *Crack-Farts* of the Nation. But, Sir, besides the Tyranny you exercise over us by authorizing or by countenancing your Messengers, to break into and search our Houses, without their being accompanied with a Legal and Civil Officer (for all Power that the Law allows not, is tyrannous and usurped;) how many particular Mischiefs are we subjected and enslaved unto by this one Method of your administering your Office. For your Messengers being Fellows that most People are wholly Strangers unto, and whom very few know by Face, and least of all they whom they are usually hounded out upon, how liable are we to be robb'd by such as they may either in Friendship lend their *Badges* unto, or by those that may counterfeit them, that being every way as feasible as counterfeiting the publick Coin is, which is every day practised. Nor while this Course is allowed, are we out of danger of being murdered by Russians, charactering themselves Messengers, and furnished with the Passport of a *Badge*. And this is the more easily practicable, because those who are real Messengers carry many times only *Blank-War-*

rants, and at other times (especially towards meaner People) refuse to produce and shew any at all. But let us suppose, that none do come to our Houses, but such who truly are what they vouch themselves (tho' we can never be sure of it, while the Method I have been mentioning is allowed or connived at) yet if they exceed their Bounds, and copy Sir *W. Waller's* Originals, Pray, in that case, how shall we be redress'd, or whom shall we attach for Reparations? For it is upon that account, as well as to keep the Peace, that the Law ordains and requires the Presence of a *Constable*, and of such a one as is of the Neighbourhood; that if we be either pillaged or otherways injured, we may know whom to sue and make responsible. And I am very suspicious what your Messengers may do, in fingering and detaining what they ought not to meddle with, unless they be under the Inspection and Restraint of a Civil Officer, since the time that I heard a very odd and ungentile Story of your self, which I have made that just Inquiry into, that I undertake for the Truth of it; Namely, That upon your being informed, that a certain Gentleman about this Town had the Picture of the Prince of *Wales* (which certainly is as lawful for any one to buy and keep, as it is the Pictures of the Emperour *Leopold* and *K. William*;) you sent for him, I suppose by that Authority which you conceive vested in you as Secretary, and having questioned him about it, and demanding a sight of it, upon his obeying your Command, and gratifying your Request, you put it immediately into your Pocket, and have not to this Day restored it again. Now, pray, what is this but to rob by virtue of the *Seals* of your Office, and to teach those under you to do the like by your Example: But it may be it was design'd for you as a Pledge of *K. James's* Grace and Favour, and of your own Reconciliation to him, and that the manner of your getting into Possession of it, was only artifice to conceal the Mystery of your having made your Peace with that *Exiled Prince*, and to cover your remaining in the Post you are, about *K. W.* in order to betray him, of which your whole Administration seems strongly to smell.

But I hasten to another Miscarriage in your Management, which as much declares your acting with Arbitrariness and Illegality, as any of those can do which I have mentioned already; and that is, while you pretend to seize Papers of Treasonable and Seditious Importance, your Officers take and carry with them the *Deeds of Men's Estates*, their *Books of Accounts relative to Trade*, and their *Letters of private Conversation with their Friends*. All which, as they ought to be preserved Secrets, which

which none should presume to pry into without the Consent of the Owners ; so the Law allows no Man a Right and Authority to meddle with them. The disordering Men's Letters, in reference to common and private Business, may sometimes be an Inconveniency not easy to be redressed ; and the penetrating into the State and Condition of their Civil and Secular Affairs, may come so to affect their Credits that the Wrong is for ever irreparable. There are several, since this Revolution, that will never emerge from under the Inconveniencies and Difficulties which were brought upon them, by the seizing and detaining their Books and Papers, till the *Attorney General*, and *Mr. Aaron Smith*, would be at leisure to look them over. I am far from complaining of any Governments seizing Associations against the State ; or Letters of treasonable Correspondence ; but it is illegal as well as rude, to heap a Gentleman's Papers together promiscuously, and to carry them away in the Bulk. And as none of the Messengers are qualified to distinguish those of dangerous Importance from such as are not ; so they are commonly so hasty to be upon the Scent of fresh Game, that they will not allow themselves time to do it, if they could. And in the *paraphrasing* what passeth in Writing between Friends, there ought to be the largest Allowances granted imaginable : For how many Words and Sentences may there be, in familiar Letters, between intimate and ingenious Acquaintance, that were very innocently intended, and yet by a malicious Interpretation may be easily transformed into Libels ? The Earl of *Shaftsbury's* Catalogue of *Men Worthly*, and *Worthy Men*, imported no legal Offence, and yet what a Noise was made of it, even to an Essay of grafting a Plot upon it heretofore. There are few in the Kingdom, of Genteel Learning, Political Observations, or of a large Converse, but, were their Studies ransack'd and pillag'd, there would be something met with that would displease a peevish and Hypochondrycal States-man ; and yet they with whom they were found, may, notwithstanding that, be Loyal even to Bigottry. And, as if it were not highly illegal, as well as extremely damageable to the Person concerned, to have all his Papers seized promiscuously, and in the gross, There is another Thing commonly practis'd in these Cases by your Messengers, which is of most threatening, and may be of fatal Consequence ; and that is their neither *numbering* nor *marking* them themselves, nor allowing those concern'd and from whom they seize them to do it ; which is to expose and make obnoxious those with whom they were taken, to have others *shuffled* in among them that were not there before. And this is practicable so many ways, that,

where

where this previous Security is not vouchsafed, the Prisoner is by the *Civil Law*, which is the Law of Nations, made unaccountable even for those very Papers which were taken with him: For the Law, that always favoureth the Accused, will suppose that to be done by them who prosecute, which they have furnished themselves with so fair an occasion for the doing of. This preserved Monsieur *Fouquet*, when the late *Colbert*, who was at that time chief the Favourite of France, prosecuted him with all the Art as well all the Malice he could. And while we not only prefer our own Laws so much above theirs, but so infinitely extol the Justice and Mercy of K. *W.* beyond those of K. *Lewis*, we might very well expect (tho' I cannot tell whether we may hope for it, if some Ministers be hearkened unto) that we may have the same equal dealing at *London* and *Westminster*, which are met with at *Paris*. For how easy is it for some (where the fore-mentioned Care is not had and observed) by the Aid and Assistance of their Old Friend *Parson Young*, both to counterfeit what Hand and forge what Treasonable Papers they please, and then to have it sworn by their bribed Mercenaries, that they are the Hand-Writing of such or such a one, and taken in the Custody of this or that Man, whom they have a mind to have destroyed. So that upon this account, as well as that there were no Papers taken about him, all the Treasonable Writings and Correspondencies, with which Mr *Crosby* is loaded, signify no more in Law to affect him, than if they were Old *Almanacks*; and the Crimes pretended to be witnessable by those Papers, can, according to Law, (may he be but allowed the benefit of it) no more hurt or prejudice him, than if they were *Bagatelles* or Stories of *Robin Hood* and *Little John*. And our Ministers, were they not in a Conspiracy to waste the Treasure of the Nation, as ridiculously as well as uselessly, as Myn *Heer Meesters* does it upon *Machines*, might have spared the Expence of bringing People from *Ireland* to swear to the Similitude of his Hand, seeing while the Kingdom remembers what a late Favourite *Young* was with some of our Statesmen, and the Service he employ'd himself about; nothing like the Similitude of Hands can influence the Belief of any Man, that is not on the Score of Distract on and Folly fit for *Bedlam*, or upon the account of Villainy for *Bridewell*. Nor will it be very grateful to the Nation, instead of better Divertisement given unto them, to have the Tragedy of Colonel *Algernoon Sidney* re-acted before them. To which I shall subjoyn, under this Head, That as several Papers relating to Mens Trade and Estates, &c. have been lost and embezled, before the Secretaries could fall into the good Humour,

or so far recover the Sence of Justice and Honour, as to order them to be returned; so sometimes they have been wholly detained, and refused upon any Terms to be restored. Of this I have an Instance in a particular Friend, who having all his Papers taken by a Messenger, and carried to the *Secretary's Office*, he could never recover one of them, tho' there was not a *Script* among them of a treasonable or seditious Importance: And the loss of them, was not only an Injury to the Gentleman, as it was a robbing him of his Goods and Property, but as it was a depriving him of the means of getting Bread to himself and Family: There having been several of them prepared for the Press, in order to convey to Posterity the remembrance of Actions that are past, and to remain as *Memoirs* to assist such as may write the History of the two late Reigns. And since they were withheld from the Author, after they had been several times demanded, they have been either hired out for Money, or lent abroad in Courtesy to divers to be perused: But he from whom they were plundered hath this to comfort him, that the *Minister of State* by whose Order and Authority they were taken, is a Person sufficiently responsible; and he may assure himself that the Sufferer is not of that tame and pusillanimous Temper, but that he will sooner or later make him account for them: And if he cannot obtain Satisfaction by Legal Methods, he will make Reprizals in the best ways he can, but in such as shall be always honourable and just. Yea I may hereunto add, That your *Messengers*, and those other Persons whom you employ upon these Errands, don't only carry away Papers with them, which they have no right to meddle with, but they rob Men of their Money, as if it were Treason for such as you stile *Jacobites* to have Silver or Gold by them. Of this we have a late as well as a famous Instance, in that *H—— B——*, accompanied with the *Dutch Conservators* of our Liberties, did either teloniously rob, or militarily plunder Mr. *Tildsley* of a purse full of Gold, while they were ransacking his Closet, in search (as they pretended) of treasonable and seditious Papers. And these are the blessed Fruits we reap, by retaining and luxuriously feeding these *Mirmidons* in *England*, while our *British Troops* are near starving in *Flanders*, and dropping into another World by Hundreds and Thousands in defending the *Barrier* of the *Seven Provinces*. But tho' those *Holland Troopers* may be above the Cognizance and Animadversion of our Laws, in Compensation for their having rescued and preserved them unto us, at a time when we were in as full and quiet enjoyment of our Properties as ever we were, save that in Deference to the *Declaration* dated at the *Hague*, Anno 1688, we were

were bound in defiance of Sense and Experience to believe them to have been trampled upon and annulled: Yet we hope that neither *H— B—*, nor you who commissioned him down to *Lancashire* and *Cheshire* are above being made responsible for this and divers other Criminal Injuries there perpetrated.

The next Illegality which makes the *Eighth*, whereof I accuse you in the execution of your Office, is the detaining those whom your *Messengers* have taken for a long time in Custody, *without vouchsafing to call for and examine them*. You ought to know (having been bred to the Gown) that every Hours-*Re-straint*, when there is no legal Cause for it, is false Imprisonment, which fastens a high *Trespas* and *Misdemeanor* upon the Actor, and rendereth him obnoxious to Punishment. Nor is it enough to plead want of *Leisure* to send for and question them (which is your common Excuse when addressed unto about it) seeing he who is not at Leisure to discharge the Duty of his Place, ought not to be allowed the Privilege to hold it for a Day. And it is strange that you should have always time enough for issuing out your Warrants to apprehend Men, which is for the most part the doing them Injustice, and you should want it for Weeks and Months, when you should not only do them and their Families Right, but the Kingdom likewise. For tho' the immediate Wrong be done to particular Persons, yet both the Constitution cometh thereby to be reproached, and the whole Community suffereth in that pernicious Example. And I cannot omit both the telling you, and the advertizing the Kingdom, that when you have least wherewith to charge the Prisoner, you usually delay the longer e're you condescend to examine him: Which is in effect to say, That you are resolved to punish him out of *Malice*, when you sufficiently understand that if you would allow him the Favour of being heard, you cannot do it in *Justice*. How Criminal do you render your self before God, and punishable as well as reproachable by Men, by suffering a Freeborn Subject to lie three or four Months unheard at a Messengers; and at last when you condescend to examine him, to find your self under a Necessity sometimes of discharging him immediately, and at other times of admitting him to Bail: Which is plainly to acknowledg that he was wrongfully kept in Custody during all the time he was held in Durance. And in the *Interim*, while he is thus illegally and unjustly treated; if he was a Tradesman he has lost his Customers; if a Physician his Patients; if a Lawyer his Clients; and is extremely prejudiced, if not wholly ruined, of whatsoever Course of Life he was. And if I do not mistake, no Man tho' never so legally seized

seized is to be sent to Prison, until he hath been brought before some Proper and competent Magistrate, and hath been there examined. And I am sure that whatsoever the Law prescribes in this Matter, Reason tells us it should be so; seeing it is possible that a Person may be taken up upon Mistake, which his being examined may easily rectify. Nor do we want Examples, how sometimes thro' *Similitude*, and at other times thro' *Identity* of Names, a very innocent Person has been apprehended in the stead of one that was Criminal. And of this both the Popish Plot, and the Conspiracy in 1682, have furnished us with several Instances. Which as nothing could adjust but an Appearance before a Magistrate, so it is absolutely needful, in order to shew the Equity and Righteousness of your Proceedings. And this is yet more indispensably necessary; when Persons are seized upon *blank-Warrants*, where the Envy or Covetousness of the Messenger do more govern him in whom he apprehends, than the Paper with a Hand and Seal annexed unto it, which you arbitrarily and illegally gave him. Nay, it is possible that when there is no mistake committed in the Person that is taken up, that yet he may be able so fully to convince you of your having been misinformed in the Matters for which he was seized, that the bare examining of him will both vindicate his Innocency, and prevent your dishonouring the Government, and the making your self punishable for keeping a guiltless Person in durance. Of this I could give you many Instances; but I shall only assign that of Mr. *Matthew Mead* the Minister, who was taken up in the Year 1683, not only upon grounds of just Suspicion, but upon positive Information given in against him. And yet thro' obtaining the Justice as well as Favour of being examined before the King in Council, he did so well justify himself, and with that Wit and presence of Mind, that he was immediately discharged and dismissed home to his Family. Nor is it for the Credit of King *W's* Reign, under which we expected more Fairness and Generosity, as well as more Justice, than were said by you and some others to be exercised under that of King *Charles*, that the Subjects should meet with harder measure in 94, than they did in 83; and be worse treated now than they were then. But it seems we are disappointed of our Expectations in this, as well as in most Things else; which makes some think that we are sunk back into the Times of *Oliver Cromwel*, when all the Laws in reference to the Liberty of the Subject were superceeded and trampled upon, as well as those which related to the rightful Enjoyment to the Crown. And some do not forbear to say, That there was more *decorum* as well as Justice observed under

under that Usurpation, than there is under this *Conventional* constituted *Government*. To which may be added, That the old *Tory* Secretary Sir *Lionel Jenkens*, had more Sence, Uprightness and Honour, than to be guilty of those Illegalities and Oppressions, which his *Whigg* Successor Secretary T——d commits without Shame or Remorse.

But I advance to a *Ninth* Particular in your daily Practice, whereof I do both accuse you, and do affirm it to be one of the highest Oppressions and greatest Illegalities imaginable; and that is your *confining Men to Messengers Houses*, which neither are, nor never were, accounted legal Prisons. And what is this, but to make your Messengers such *ambibious* Creatures, as that we cannot tell of what *Species* they are. Surely it is needful that you should define them, that we may know whether they are *Goalers* or *Messengers*, for according to Law they cannot be both. For tho' our Laws cannot prevent Natural, yet they do allow no *Court Hermaphrodites*: Nor are two Sexes twisted into one individual so ominous in the Elementary World, or such Prodigies in Nations, as *Messenger* and *Goaler* brought to center in one Person are in Civil and Political States. For besides other Mischiefs that may attend this common practice, there are *Three* that are inseparable from it, and all of them inconsistent with, and destructive of, the Subjects right unto his Liberty. One is, that by this Method of confining Men, the *Judges*, who by their Places, Employments and Characters, are the *Guardians* of every Man's Freedom, and the *Guarantees* between King and People, are precluded from all regular ways of knowing who are taken into and kept under Custody. Whereas were all Prisoners committed to Legal *Goals*, they could not miss having cognizance of them at the respective *Sessions* here in Town, and at the *Affizes* in the Country. For the *Goalers* being obliged at those Times to give in a *Kalendar* or *List* of all they have under their Custody, it cannot then escape arriving at their Knowledge who they are. And, as many are kept in Captivity for Months and Years without the Judges receiving any Intelligence of them; so if at any time they come to attain it, by the Reports of those that visit them, and as a part of the Common News, as I do not know they can judicially take notice of it, so I believe they are not by their Duty obliged to it: And for them to meddle beyond that would be to have their *Sallaries* paid worse than they are, which they are already ill enough. For tho' they hold their Places *quam diu bene se gesserint*, yet as to the time of being paid their *Sallaries*, they are under a *beneplacitum*. Nor could an *Act* be obtained

obtained to rectify this, and relieve them from a precarious Dependence, tho' a *Bill* had past both Houses, and was offered to K. W. in order to the obtaining the Royal Assent for it: But he preferred his own Interest to that of his People, and refused it. For among the many other Blessings which we have attained by the Revolution, that of having more *Negatives* given to publick *Bills* in *five years*, than had been given in *thirty eight* before may be reckoned for one, and that not of the smallest Size. Another Mischief accompanying this Practice of committing Prisoners to *Messengers Houses*, is the robbing them of the Privilege and Benefit of being delivered out of their Thralldom and restored to their Liberty with that Conveniency and Speed as otherwise they might: For those Houses being out of the Circle of a Commission of *Oyer and Terminer* at the *Old Baily*, such as are coopt up in them do sue in vain for Remedy at the *Sessions*. Of this we have had the Misfortune to see many doleful Instances, and some very lately. And Applications of this nature being usually made the last Day of the *Sessions*, and after the Dispatch of all the Tryals, when the Judges are seldom on the *Bench*, Honest S ———, whose Learning, Wisdom and Justice are all of a Size, does not only reject them with Scorn and Contempt, but treats those who make the *Motions*, with the Pride and Insolence which supply the room of other Qualifications requisite for his Place. Nor can any give Dimensions of this Grievance, but they who having been thrown into the Dens of Lyons at the beginning of a long *Vacation*, have been forced to continue under their Paws and Teeth as well as remain deprived of their Liberties, withheld from their Families, and shut out from all their Business, till the last Day of *Michaelmas Term*. To which I subjoin a *Third Plague* that inseparably cleaves to this way of Commitment, namely, That it tempts the *Messengers* to suborn Rascally Fellows in Town and Country to inform and depose against Honest and Quiet Men, that they may have an Opportunity administred of preying upon and fleecing of them. And considering the Morals of most of them, it is more than probable in reference to many, and proof can be made of in relation to some, how they employ *Setters* to entangle Persons into their Clutches, and have their *Spaniels* to start Game for them to worry. Nor is it much to be wondered at, that having purchased their Places at dear Rates, they should sell the Devil as well as they had bought him. And their customary Salaries being but ill paid, the Government being usually a Year or two in Arrear to them, while *German Troops* Abroad, and *Dutch Projectors*, under the Notion of Incomparable Artists

and Engineers at Home, swallow up our Money even to the starving almost King *N's* Household; few People will think it strange, if those Blades, who have neither Honour nor Conscience to restrain them, should purvey for a Subsistence in all the ways they possibly can, without regard to the Justice of them. And I will further add upon this Head, That if those who are forcibly detained in such Hands and Places shall make their Escapes, the Law neither doth nor can make any Crime of it. For whatsoever Cognizance it takes of Escapes out of Legal Prisons, and whatsoever Punishment it makes the Officer in that Case obnoxious unto; yet it can annex no Penalties where it hath made no Establishments, nor inflict Chastisement for not remaining, where it is so far from requiring, that it doth not allow that any Man should be. And if the Law of 1 Ed. 2. *de frangentibus Prisonam*, doth neither make the Person that breaks Prison, nor the Goaler that consents to it, (tho' he whom he had in Custody were guilty of High Treason) corporally punishable, and much less with death, unless the Warrant by which the said Person was committed express and declare the Cause of his Commitment: By parity of Reason, an Escape out of an *illegal* Prison, is as little punishable. Seeing the Law that hath ordered it to be always specified and declared for what Cause Men are taken into Custody, hath taken no less care in providing whither they are to be sent, and in what Places they are to be detained.

But I hasten to a *Tenth* Grievance, under which the Subject groans thro' your illegal execution of your Office towards those you apprehend and commit, and that is in the suffering if not encouraging and authorizing those called Prisoners of State to be treated both in Goals and in Messengers Houses with the utmost Barbarity, Rudeness, and Insolency. For whatsoever you do not either prevent or remedy, when you both ought and may, you must be thought to justify and allow, and ought accordingly to be made responsible for it. Prisons are not by the Law intended for Punishments, but only for the detaining Persons accused in safe Custody till they come to be tried, and do either vindicate their Innocency, or be convicted of their Guilt. And as it is to be supposed in Justice as well as Charity, that every Man, notwithstanding what is informed and deposed against him, may be innocent till he shall be proved and found guilty; so he ought in the mean time to be treated with all the humanity and fairness that are consistent with the

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the preserving him safe, and forth-coming to a Tryal. But that it is wholly otherwise I shall endeavour to lay before the Nation, in several Particulars, that if they have any Sense of the Rights of English-men, or any Bowels towards their oppressed Country-men and Brethren, or any Apprehension or Prospect of what may be their own Portion and Lot, they may resent the Injuries answerable to the weight and Importance of them; and by application to their Representatives in Parliament endeavour to get them both Revenged and Remedied. Nor will I insist upon the little and mean Injury, tho' it be heinous enough to many in some Circumstances, that is commonly practiced in all your Goals, and particularly in *Newgate* towards Prisoners; which is the denying them the Liberty to purchase their Bread and Beer from abroad, but forcing them to buy them in the Goal at those scanty and stinted Measures which the Goalers think fit to allow. And the *Sutler* giving several hundreds of Pounds for his Place hath no other way to reimburse himself, and make provision for his Family and Posterity, than by abridging Prisoners in the Quantity, as well as by defrauding them in the Kind of what they ought to have. But I shall reduce all I have to say on this Head to the following Particulars, and branch this one general Grievance into *Five* kinds of Tyranny and Oppression exercised over the Subject in this Matter; whereof the *First* is the shutting up Men without regard to their Age, Quality, natural or adventitious Infirmities, or to the former method of their Living, under *close Confinement*, neither allowing them the Freedom of the respective Prisons, nor the benefit of that little Air which those Places afford. I do know that the Law speaks of *arcta Custodia* as well as *Libera*, but as it is only either for some infamous Facts, or for Persons from whose ill Character some attempt may be justly feared of making their Escape, that the *first* is ordained; so it is not intended by it, that Men should be locked up Weeks and Months within narrow, moist and dark Rooms, with Warders lying in their Chambers all Night, as well as Centinels constantly at their Doors, which is the Method of your *Lieutenant* of the Tower towards his Prisoners; who tho' he be a *Peer*, may be said to be a Stranger to the Breeding and Civility of an ordinary *Gentleman*; and of whom it may be affirmed without *Scandalum*, That of the whole Bench, whether Earls or Barons, he is the worthiest for the Character he bears, and the best adapted to it, having more of the true and proper Qualities of a

Goalers than others are ambitious of being endued with, or capable of attaining unto. And to convince all Mankind that this is a Piece of despotical Tyranny, and not what the Law requireth, or whereunto the *Goalers* duty obligeth him, they both can and do dispence with much of this Severity, and practice more Humanity and Gentleness, when they are liberally bribed to it; which proclaims them either barbarous Oppressors in the one case, or treacherous Rogues in the other. For as upon the one hand, if the Law restrains them from using that Moderation, they are Villains and Traytors to those that trust them in exercising of it; so upon the other, if the Law exacteth all that Civility and Fairness of Demeanour from them towards those who are their Prisoners, which is consistent with the keeping them safe, then they are brutal Tyrants, and worse than *Basilews* in refusing it. But besides this, there is a *Second* Sort of Oppression practised upon all your Prisoners of State in whatsoever Places they come to be confined; and that is, The *demanding and exacting from them illegal and exorbitant Fees*. I do not deny but the Law alloweth some small Thing, by way of Fee, to the Keepers of City and County *Goals*, but it bears no proportion to what they require, and you Sir, as Secretary of State, countenance them to take. But for your *Messengers* I do know no Law that allows one Farthing to them from the Prisoner by way of Fee: For being the immediate Servants of the Court, they are to expect their Wages from those that set them at work, and whose Drudgery they do. Nor is it possible that according to Law they can challenge any Thing from those they detain in Custody, seeing our Laws know none bearing those Names for *Goalers*, nor acknowledge any such Houses as theirs for Prisons. As for your *Lieutenant of the Tower*, I am told that there is only a *Groat* legally due to him; and that if more be given him, it is meer Gratuity, for which, tho' never so little, he ought to make a Leg, and be thankful. By what Name then shall we call that Exaction of exorbitant and illegal Fees from Prisoners of State, which hath been more practised since the late Revolution than ever it was before, and under your Ministry than that of any other? For Extortion is too diminutive a Title for it; nor can it be otherwise accounted of, than as a higher Degree of Oppression than any perpetrated in the Dominion of the *Grand Seignior* and *Great Mogul*. And it would seem that some of you Ministers do reckon that you are in a State of War with the *English* at Home, as well

well as with the *French* Abroad; and that you may treat the Prisoners you make in the same manner as the Souldiers do those of the Enemies they take in the Field, where all they find upon the Captive is held lawful Plunder. So excessive are the Fees which are every where exacted of those called Prisoners of State, that a very great Fine inflicted for a High Misdemeanour against the Government, would not amount to so much, nor be grievous, were the Prisoners tryed and convicted immediately, as the lying Five or Six Months in a Messenger's hands, or in Goal at *Newgate*, ariseth unto in bare and naked Fees. Yea many, who when admitted to Tryal are found innocent and acquitted, find themselves so impoverished thro' paying for so long time the large Fees that have been exacted of them, that they are for ever after disabled from getting Bread for themselves and Families. Nor is the suffering and allowing this Extortion any ways serviceable to the Government, which you pretend to preserve and uphold; seeing more are of the Humour of the *Gascoign* than you imagine, who told one of the Kings of *France*, that tho' the whole Treasure of the Kingdom could not bribe him to be Disloyal, yet he did not know but that an Affront or Oppression might provoke him to turn Rebel. For many will chuse rather to run the hazard of dying by the Swords of your armed Troops, than to be eat up piece-Meal and Limb after Limb by your Messengers and Goalers, which is like the being gnawn by Mice and Rats, instead of being devoured by Lyons. But you know in whose Reign, and by whom it was said, *sentiant se mori, let them feel themselves die*; and that he was not so much in favour with those he either feared or hated, as to allow them the Priviledge of expiring speedily. A Third barbarous Illegality exercised towards those you have in Custody, is, *The refusing their nearest Relations, and most necessary Friends, admission to them*; whose Company, if needful and comfortable at any time, is while they are in such Circumstances more especially so. This was a Hardship seldom practised heretofore; tho' grown much into Fashion since the late Revolution: Nor was either the Earl of *Shaftsbury* or the Earl of *Essex* denied the attendance of their own Servants, under the severe Reign of King *Charles*, and those we called his Despotical Ministers, as my Lord *Molineux* and the *Lancashire Gentlemen* are, under the Gracious Reign of K. *W.* and easy Administration of those he employs in the Head of his Civil Affairs. For since the Exchange was made of Princes, some have stood confined for many Months, if not

Years, and none suffered to go near them besides Goalers. I do acknowledge that in some Cases, and towards some Prisoners, it may not be convenient that any should have the Liberty of access to them, save in Presence of a Keeper; but with that *Proviso* and that Circumspection, there cannot be the least danger of giving their Friends and Relations admittance to them at seasonable Hours. For whatsoever can be vouchsafed a Prisoner, without Danger to the Government, or in Subserviency to the making an Escape, the Law requireth that it should not be denied him. And that it is not from any care of preserving the Government, or apprehension of the Prisoners contriving an Escape, that this Priviledge is withheld from them, but from Covetousness to squeeze Money out of them, is apparent from hence, that upon Application for leave, and paying down so much for an *Order* of Admittance from the Secretary, the Liberty which was before refused is then granted. But then the Mischief is, that this *Order* will for the most part give only a Freedom of Access to the Prisoner for once, and that whosoever would go again must pay down t^other *Fee* to get it renewed: And this Method is held till you and your Clerks have levied so many-dayly or weekly Taxes on the Subject as satisfy your Avarice, and then a general one is vouchsafed, by which either any Person is allowed to see the Prisoner, or at least that such and such may do it, as are therein mentioned and expressed. And this customary Practice of some Secretaries in oppressing the Subject, encourageth *Golears* to do the like, which tho' they cannot exemplify in the same manner, yet they imitate it as well as they can. So that even when the Secretary does no ways intend by his Form of Commitment, that the Prisoner should be debarred the sight of his Relations and Friends, yet the *Golear* will not admit them, unless they make their Address by *Guineas*, and seek his Favour by the Intercession of *Angels*, and then the Doors fly open, and the Prisoner may be seen and conversed with. To which may be added as a *Fourth* Illegal Severity used towards Prisoners under their Confinements, that they are refused the having their *Counsellors* and *Sollicitors* admitted to them, when they need and desire them. For as if their Conditions were not distressful enough, thro' a shameful defect in our Laws, in not allowing them the Assistance of Council at and upon their Tryals for Treasonable Offences, which no Laws in the World besides ours but allow. You, Sir, render it more deplorable and worse by denying them to speak with their Council freely, and as often as they

please

please before, which is the robbing them of a Right, which the Law under all its other Deficiencies in this matter grants unto them. For a Counsellor at Law is the same thing to a Person confined, and to be arraigned for a Conspiracy against the Government, that a Physician is to one sick of a dangerous and malignant Distemper; nor ought the First be refused the coming to his *Client* with the same Freedom that the Latter goes to his *Patient*. I do the rather insist upon this, because of the unpresidented Barbarity used towards Mr. Crosby even after he had warning given him by Mr. Aaron Smith to provide for his Tryal. For tho' Mr. Mompeyson, who is his *Council*, and Mr. Burleigh, who is his *Solicitor*, had admission to see him, yet they neither were, nor yet are permitted to speak with him, but in the Presence of a *Keeper*. Which is not only all one, but much worse than if they were not suffered to come near him at all; so it does put him only to the expence of so many *Fees*, without leaving him in a Condition either to declare with Safety his own Case, or to receive their Advice. And the Fellows fastened upon him at those Seasons are only so many Spies, whose Business is to observe what he does say, that so if he discover the least Thing, which being known may do him hurt, they may be ready as Witnesses and depose against him, and thereby supply the want that the Government still laboureth under in that matter, after they have hunted through the three Kingdoms to procure such as with any probability may swear him out of his Life. And through this Severity put upon Prisoners for High Treason, which most in both Houses of Parliament as well as the generality of the Kingdom, and even Mr. Secretary T——— oftner than the rest have been guilty of, they are worse treated than *Felons*, Murtherers, and Highway-men are; that being never denied to the latter, which is thus scandalously refused the former. To which I subjoin in the fifth and last place, as another hainous and intolerable Grievance put upon State Prisoners in some *Goals*, and that this is the *subjecting them to wear Irons*, unless they redeem themselves from the Barbarity by Money. For tho' I cannot tell whether this Inhumanity be exercised towards Prisoners by your Authority, or meerly by your Connivance: yet this I am sure of, that exercised it is, and that upon Persons whose Quality, Education and Character, equal them to your self in every thing, save that they are not advanced to the Honour by being vested with the *Seals* of the Office. Nor is this only a punishing of Men before they be convicted, or pro-

ved guilty of the least Crime (seeing none will deny, but that the wearing Irons is a Punishment, and that as Grievous as it is Ignominious) but it is a Treating them as if they were actually Sentenced and Condemned to Gallies, and not as such as are merely put under Confinement to be kept in safe Custody until they can be brought to undergo a Legal Tryal. Now this is so commonly practised upon all that are committed to Newgate upon pretence of having conspired against the Government, that I need not assign particular Instances of it, tho' divers very late ones are produceable; and for which, if reparation cannot legally be obtained against *Fell* the Keeper, Gentlemen will be tempted whensoever they recover their Liberty to vindicate themselves by a Cane, if not by a Sword, from the dishonour that has been done them: However I do both lay this Barbarity at your Door unless remedied; and offer it to the Cognizance and Animadversion of the *Parliament* the next *Sessions*, If they be not either so employed about *Ways and Means* for carrying on a vigorous War against France, that they cannot find leisure for what concerns the preserving our Rights and Liberties at home: or that some of them have a mind to suffer poor *Jacobites* to remain unrelieved in this particular, till some of the Advocates for the Mercy of this Government, and who have laboured so strenuously for the Redress of those Grievances which we complained of under former, may come themselves to fall under this Barbarity, which it is impossible but that sooner or later they may. However this ignominious Severity is not inflicted upon State Prisoners in pursuance either of *Common* or *Statute* Law, seeing by bestowing a few *Guineas* on the *Keeper* they may either prevent it, or rescue themselves from it, when they please. But in the mean time I would desire to know, by what *Act* of Parliament, either *Fell*, or any other *Goal*er, becomes authoris'd to levy arbitrary and exorbitant Taxes upon any of the People of *England*, and how our *Ministers* either of *Justice* or *State* can answer the conniving at it under a Government that is Legal, and not Despotical?

But it is now time to advance to the next Grievance under which Prisoners of State do suffer, which makes the *Eleventh* Illegality, which in the Course of your Administration you exercise towards them; and that is, The refusing to admit them to Bail in Cases that are by Law bailable, and the allowing none for sufficient Bail, but such as Mr. Aaron Smith thinks fit to approve of. It would extend this Paper to an undue length, to call

call over and enlarge upon all the Cases according as the Weight and Importance of them do require, in which you refuse to admit Persons to bail, when you not only may, but ought to do it. As when Men are taken up upon bare Sulpicion; when the Suggestions and Informations made against them are trifling and frivolous; when the Depositions before you are not upon Oath; when there is only one Witness that sweareth to what is deposed; when such as swear, tho' never so many are to your own knowledge suborned and infamous Fellows; or when the Informations are not made to your self, but handed to you from a *Scotch Secretary*, who is allowed by our Law to take no further cognisance of English Affairs, than as he sendeth those whom he finds capable to inform, either to your self, or to some other Officer of Justice, whom the Laws have authorised to receive Depositions against English-men. In all these Cases, to mention no more, you are bound by the Duty of your Place to admit such as are apprehended to Bail. But your practice in all of them is much otherwise; yea, so little do you either value the Liberty of your Fellow Subjects, or regard the Authority of the Laws of *England*, or are apprehensive of the Justice of a Parliament, that when applied unto upon such Occasions, you do, with a scornful Smile, which is as the oyling of your Honer bid them go and seek their Relief at the *Old-Bailey*, or at *Westminster-Hall*. But as every one you send to Prison is not so well furnished in the Pocket as to be at the Charges of obtaining Remedy in those Places; so for any to remain arbitrarily robbed of their Liberty till opportunities offer there of recovering it, is a Scandal to the Government, and a high Oppression of the Subject. Nor needs there more to unfold and display your Guilt in this matter, and to apparel it with the most aggravating Circumstances, than that after you have kept Men many Months in Prison for High Treason, but are at last forced to prosecute and bring them to a Tryal, you do then either discharge them without the preferring of Bills of any kind against them, or at most do dwindle them into Bills for *Misdemeanour*, or may be try them for drinking *K. James's* Health. Whereas instead of making that a Crime, it would become the Wisdom of the Government upon the Score of Interest, to get a Prayer inserted into the *Liturgy* for it, and to enjoyn it as a part of every Mans dayly Devotion; seeing it is not from any Satisfaction that the People have in the Government, and much less from any Love they bear to it, that under so many Disappointments, such vast

Charges

Charges and inconceivable Losses, they so quietly and with that tameness submit unto it. But it is from a vain dread of King *James*, thro' an unjust as well as uncharitable Apprehension, that his Revenge will be proportionable to their Guilt; whereas whosoever allows himself Liberty to think, will find that King *James* is no less calumniated in being represented *revengeful*, in order to hinder and prevent his Restoration, than he was heretofore in the matter of a *French League*, and a *Supposititious Prince of Wales*, in the Subserviency to the driving him from his Throne. Nor can that Prince who was enriched with Mercy to pardon Mr. *John T—*, who had not only brought into the House of Commons the *Bill* by which he was to have been excluded from Succession to the Crown, but who had been involved in the Duke of *Monmouth's* Invasion, *An. 1682*; I say, that Prince cannot be imagined to labour under deficiencies of Grace and Mercy for pardoning any of his People, even the most heinous Offenders, that by returning to their Duty will make themselves capable objects of it. But as your refusing to admit Prisoners to *Bail*, in Cases that are by Law *Bailable*, is a great Injustice in you, and a high Oppression upon them; so the allowing none to stand for *Bail* in behalf of Prisoners, *but such as Mr. Aaron Smith will accept and recommend unto you*, is an Act of that Tyranny and Arbitrariness, that our Language is too penurious to furnish Words sufficient to express it. And I would here know on what Law that Office is founded, which he enricheth himself and oppresseth others in the Execution of; seeing by what I have either read, or could be informed of, it was never heard of until the Reign of King *Charles the Second*, that it had its first Rise and Original in Mr. *Burton* and Mr. *Graham*. And the Season when it began, as well as the first Essays of exercising it, being in Reference to the *Sham Plot* wherein so many Protestants were to have been involved, *An. 1681*, might have served to have gotten it damned and suppressed under this Reign, that was Established to suppress Grievances, if it had been but for the Infamy of its Original, and the Sanguinary Ends it was erected for. But it is too probable that this is what does recommend it to some People, and keeps them extremely in love with it, and preserves it among the *utiliter inventa*, instead of suffering it to sink down among the *deperdita* during this Government, at least while your Administration lasted. And yet it was executed by those two Gentlemen with greater Temper and Moderation, as well as with more regard to Laws, and all the

the Rules of good Breeding, than it has been since, or ever will be, by Mr. *Smith*. For whatsoever was complained of then, remaineth not only still repeated, but accompanied with fresh and formerly unheard of Injuries, to cause us both to renew our Complaints, and to proclaim them loudly: And indeed in *hoc uno Mario multi Scille*, we have many *Burtons* and *Grahams* in this one Mr. *Aaron Smith*. And whosoever considers how he thrust himself into the Office, by threatening the Commissioners of the Treasury, will not wonder if the Man be not yet recovered of the Rage and Madness which had then overtaken him: For when Mr. *Hambden*, and some others who had been made Commissioners of that Board upon the Revolution, demurred about electing him into the Place, because of his insolent Pride, and the Brutalness of his Humour, as well as by reason of some other Qualities with which he is too well furnished, that sufficiently discouraged them; he menaced them, and particularly the Gentleman that I have mentioned, ratifying his Threatning with an Oath, That in Case he obtained it not, he would Stab or Pistol them; being at the same time provided with Instruments for doing it. Nor is the Truth of what I have here related to be questioned, there being so many about the Town ready to attest it upon the Authority of his own Testimony; who as he gloried in telling of it, so it has taught others a very probable Method, in case those fail which savour of more Humanity and better Education, of gaining the Kindness and Favour of some cowardly Ministers. But Sir, what is this of your accepting or refusing Persons for *Bail* according as Mr. *Aaron Smith* shall be pleased to character them, but the constituting him a Sovereign Judge of the Reputations, Fortunes and Qualities, of the generality of the most valuable part of Mankind: Seeing they are not of the *Mob*, but those of a higher Rank in the World, that appear in the nature of Sureties in behalf of their suffering Acquaintance and Friends. So that Persons distinguished from the *Vulgar*, must pass for Poor or Rich, for those of a Fair or those of a Sullied Esteem, not according to what they are really and in themselves, but according to the Representation that Mr. *Smith* is in the Humour to give of them. This is such an unlimited Jurisdiction and Power, as no Judge in *Westminster Hall* is vested with an Authority to parallel it. And to allow him this uncontrollable Right which he usurps of determining concerning the Credits of Men, as well as their Estates, is more than the Cloathing him with an Arbitrary Power over their Lives, and

and subjecting them to dye by every passionate Puff of his venomous and fiery Breath: Seeing the former are much dearer to all that are framed of a better Mold, than the latter are. Nor is there any thing more notorious, because customarily practised, than his blasting the Credits of very substantial Persons, thro' refusing them for Bail, when the Sums in which they are to be bound, amount not to above Two or Three hundred Pounds, and thereby (at least so far as falls within his Power) diminishing their Esteem in the Places where they live, and draw their Creditors every where upon them. For which as by Law they have very good Actions against him, so it is hoped that sooner or later they may recover lusty Damages. Yea, when the ill-natured Man cannot except against Persons upon the foot of their Inability, he refuseth to admit them upon Pretence of their being Disloyal, and brandeth whomsoever he beareth a Spleen unto, with the Name of *Jacobites*; which besides the Prejudice that it may do the Person that offereth to be Surety, and stands excluded upon this Allegation, it may often leave the Prisoner under a Necessity of remaining confined for want of Bail; seeing his Acquaintance and Interest may lye among no other but those whom *Aaron* thus Charactereth. Nor is this an Exception that a Court ought to admit; seeing all that the Law prescribeth and requires in such a Case, is, only that the Person be truly responsible to the Government for so much as he is to be bound in, and not what his Opinion is about the Rights and Titles of Princes. And yet how often doth this lofty Man, who alone and single is a whole Court of *Inquisition*, treat men in reference to the *Politicks*, with no less Rigour and Unmercifulness in his way, than the great Body of *Inquisitors* at *Rome* and *Madrid* handle those under their Jurisdiction on the Motive of what they stile *Heresie*. But is it not to expose the Government to the utmost reproach, and that when a Man of Quality and Condition is to appear at the *Secretary's Office*, and I am sorry I have occasion to say it, even at the *King's Bench*, accompanied with Knights, Gentlemen, and Citizens of the best Figure, to stand Bail for him, he must antecedently to his Appearance, and to obviate his being remained to Prison, thro' Mr. *Smith's* reprobating those as insufficient whom he brings along with him for Sureties, be obliged to convey their Names to *Aaron*; and to understand his Pleasure, whether he will admit them to pass muster, or not. Surely our Ancestors have not been so careless, nor are our Laws so defective, as to leave Magistrates

gistrates unprovided of Rules for their Conduct in this part of their Administration? No; For the Law in this Case still is, and the Method heretofore practised always was, That if the Court of Judicature, or Justice of Peace, did suspect any of those offered for Sureties not to be responsible for so much, as they were to become bound, they were in that Case to be upon their Oaths that they were really worth so much, all that they were at that time Debtors for being paid. Nor doth it look favourably upon those trusted now with the Guardianship of our Laws, and the Administration of Justice; nor doth it prognosticate well to the Ancient English Constitution, That so horrid and injurious an Innovation, in a Matter of so unconceivable Moment and Consequence, should be so tamely overlookt and connived at, and all for the gratifying a peevish Man, and for the advancing him to Wealth and Opulency, who knows not what it is to be Loyal from Principle, but merely out of Interest; as he was not formerly Rebellious upon Motives of Reason, or out of Zeal to preserve the Constitution, but from Discontent with his own Condition, and Revenge that he was not preferred and Employed. And by this privilege granted unto him of passing Sentence on the Sufficiency or Insufficiency of all that are to be admitted for Bail in behalf of Prisoners of State, he raiseth annually such a Tax upon all that have occasion to sue for a *Habeas Corpus*, or are vouchsafed to Favour to recover their Liberty upon giving Sureties for being forth-coming to answer what they are charged with, as is not easily to be imagined or computed. And it is pity that we have not *Commissioners* appointed to enquire after illegal *Exactions* of this kind, as we have *Commissioners of Accounts* for examining how the Publick Moneys are issued out: Seeing I am very sure, That were there a Report to be made of the first, as by Virtue of an Act of Parliament there ought to be of the latter, the one would be no less surprizing than the other, and administer equal occasion of Melancholy. For as the least that the Prisoner is forced to give upon this occasion is *two Guineas*; so if he does suspect the Passableness of any of those he has been able to procure to be bound for him, he must in that Case advance *five or ten*; and then be their Condition never so Mean, yet *Aaron* can recommend them as Able and Sufficient Sureties. For what his Name-sake the *Ordinary of Newgate* does in the Case of *Felons* admitted to the Benefit of their *Clergy*, the same will this Gentleman do in relation to those about whom his Concerns lie, and that upon
the

the like Motive and Inducement. Nor is the first more Arbitrary in pronouncing that such or such a one, *Legit or not Legit ut Clericus*, than the Latter is in legitimating or disclaiming Persons for Bail, according to the manner he hath been address'd. There are many other Things that might be offer'd in reference to this Matter; as that Mr. *Smith's* Office is plain Usurpation upon that of the *Attorney General*, and that this province, as he manageth his Employ, is to be a *Tutor* to the *Secretaries of State*, and a *Superintendant* and *Guide* to *Judicial Courts*. But let them either chuse to bear, or take courage to rescue and emancipate themselves from the Slavery: It is enough for me to have laid open the Injury done by it to the Free People of *England*, and to have detected the Illegality and Injustice of such an Office, in relation to the Community and Body of the Kingdom; especially as it still is, and hath been all along executed by Mr. *Aaron Smith*.

So that from this I proceed to another Grievance, which makes the *Twelfth* that the Subject hath reason extremly to complain of, in the way that you administer your Place; and that is, *Your employing and bounding forth Trepans, to decoy, entangle and ensnare, indiscreet but well meaning People into Crimes*, which they would not otherwise have entertained a Thought of. I do acknowledge that *Spies* may be sometimes used by a very wise and temperate Government, tho' the Employ be attended with that deserved Ignominy, that a Man of Honour would chuse sooner to die than to undertake it. But for *Trepans*, they are Tools only for a malicious Government to make use of; and the employing of them is an infallible Argument, that the Government which useth them, judgeth it self either Illegal and Unrighteous, or Unsteady and Weak; and that being sensible of the badness of its *Title*; or thro' not knowing how to subsist by Innocent, Noble and Generous Methods, it applyeth to base Artifice and Tricks for its support. Accordingly, the first Time they were known and made use of in *England*, was under and during *Oliver's* Usurpation: And it is not for the Honour of the present Governear to borrow from the Precedents which that Usurper made, Rules for the Ministers of this Reign to act by. I confess their first Original to be as antient as the Reign of *Tiberius*, but it is little for the Reputation of the Ministers of *K. W.* to revive an Institution, which the Historian *Tacitus* brands with so indelible a Reproach, in saying, *Delatores genus hominum publico exitio repertum, & penis nunquam satis exercitum, perpremia eliciebantur*; That *Trepans* and *Informers* which were at all Times a Plague and publick Mischief to a governed

governed Community, and whom Punishments at any Time could hardly prevent and restrain, were then tempted and encouraged by Salaries and Rewards. And it must be confessed, that you who are the Ministers of this Reign, have those Advantages for the inflaming and enraging the People to Discontented, Seditious and Treasonable Expressions, which those who served under former Reigns were very much at a loss for, if not wholly destitute of. For without having recourse to Lies, Fictions and maliciously invented Stories, whereby to run People not only upon Raileries, but the most venomous and disloyal Speeches: You need only give and recount to them the true and impartial History of Transactions since the late Revolution. So that instead of a *League with France* for extirpating the Protestant Religion, and the enslaving these Kingdoms; of a *Supposititious Prince of Wales*, and several other Things of the same Complexion, which were the forged Calumnies to undermine King *James* in the Affections of his People, and to dispose them to receive and succour an invading Prince, whose Errand, as appears by the Event, was to drive that Monarch from his Throne: You need only tell them of *Thirty Millions*, as uselessly expended as if it had been thrown away at Ducks and Drakes; of above *Four or Five Thousand Ships*, several of them of War, and the Rest of them of Traffick, lost by us and taken by the *French*; of the trifling away a *Marine Campaign* in the *Mediterranean*, with a vast loss of our Seamen, without gaining either Honour or Profit; of being *busied to little purpose* in *Flanders*, tho' furnished with an Army of One Hundred and Thirty Thousand Men, and neither able to beat the *French*, nor yet to get into the Bowels of *France*; of the *Dutch* being countenanced and encouraged to supplant us every where in our Trade; of the total Decay of all our profitable as well as honourable Commerce; and of the Ruine of the greatest of our Substantial Merchants: In all which, as there is not one Word of Falshood, so there is not the least Exaggeration. And all this being fresh in your Remembrance, you can neither be unprovided of Topicks of Discourse wherewith to furnish your Trepanning Emisseries, nor they of means both of insinuating themselves into the Fellowship and Confidence of weak, credulous and oppressed People, and of arranging them not only into Shame and Remorse for the Change they were necessary to; but into the cursing K. W. at least his Ministers, and wishing a speedy Deliverance from those, if not from him. Nor is it improbable, but that some of the Ministers contribute what they can to Miscarriages in the Government, that the Informations of their Witnesses may be the

the more easily believed, in Reference to the scandalous, seditious and treasonable Discourses of those whom they would have destroyed. For we cannot forget that of Tacitus; *Inevitabile crimen cum ex moribus Principis fœdissima queque deligeri accusator, objectaretque reo, nam quia vera erant etiam dicta credebantur*: Men are then deprived of all means of defence, when accused of having spoken those Things of which a Government is guilty; seeing their being true makes it the more credited that they were said. But by those Methods which your Trepanners pursue, and you authorise, you may come to kindle a Fire, that neither they nor you can quench; and raise such a Devil in the Nation, as all the Power of *Whitchall* will not be able to lay again. Sir, let me tell you, That the sending Trepanning Villains thro' the Kingdom, fraught with such Heads of Discourse, thereby to ensnare poor People, who tho' they be not fully satisfied in your Conduct, yet are willing to live quietly, is not very prudently done in reference to the Government, and carrieth a great deal of Malice in it towards those whom you seek to entangle. Which brings to my remembrance another Passage of Tacitus, who complaining of the Reign of Tiberius says, *Multitudo periclitantium gliscebatur, cum omnis domus delatorum interpretationibus subverteretur*; That therefore such a Multitude was brought into danger, because all Men lay at the Mercy, and stood obnoxious to the slanderous Reports and Informations of Trepanners. Doth it savour of any deep Policy (for of Vertue, Religion and Honour, it doth not) to send your *Kingston* now into one County, and then into another; and sometimes in the Habit of a Parson, and assuming his Character; at another time in a lay Garb, and personating in one place a Physician, and in another a discarded Jacobite Officer; and all to try whether he can decoy any into a complacential Hearing of a Conspiracy against the Government, and thereupon to speak favourably of it, and with success to it, that you may thereby support the sinking Reputation of your Plot. But you have bubbled the Nation so long with Falshoods, that you have very near attained the Reward and Recompence of Lyars; which is not to be believed should you speak Truth. Nor is the licensing your Emissaries to declaim against the Government, the only Method you confine your selves unto, in order to trepan and inveagle Men to own and acknowledge something that may involve either themselves, or others in a Plot: But there are divers other Artifices which you use, as accounting your selves of the number of those *probi viri*, who are privileged *mentiri Reipublicæ causa*. For sometimes you tell those whom

whom you accost, that the Persons whom you would have them accuse have themselves owned what you desire to have deposed against them. Thus you endeavoured to decoy and trepan some whom you had under Examination before you, as to Col. Parker's having been in *France* at such a time as might both have brought him within the compass of the *Statute* that makes it Death to come out of *France* without leave, and have given Umbrage to his having been engaged with the *French Chevalier* for assassinating King *William*; and to oblige them to own and depose it, you had the Confidence to tell them that Col. Parker had himself acknowledged it, which provoked one of them to reply, (tho' then before you under the Hardship of a Charge of High Treason) that if the Colonel had said so, he had slandered and belied himself, seeing to his Knowledge he was not then in *France*. At other Times the Course you take with those whom you attack, is to study to obtrude upon their Belief, that you are fully apprised of the Plot, in all the Parts and Dimensions of it, but that out of Friendship and Compassion to them, you have a great desire to preserve them from the Punishment that is ready to overwhelm them; and that you may be capable of doing them that Service, your Advice is that they would confess only in general, that there is a Conspiracy carrying on against the present Government: And that you will have that Tenderness for their Reputations, as not to require them to condescend upon Particulars, and much less expect from them so ignominious a Thing, as that they should be Witnesses against any Man. This, Sir, is the way, wherein some have been, and still are, very industrious, in assaulting a certain Gentleman that is now in close Custody. For you know that as the obtaining Credit to a Plot in general, would in great measure enable you to fasten it upon such particular Persons afterwards, as you apprehend the most Danger from, and bear the greatest Malice unto: So it would serve both to amuse a great many in the Nation, and to tickle some, till you should wheedle and bubble the Kingdom out of 5 or 6 Millions the next Sessions of Parliament.

So that I do now proceed to the last Thing, which I have at this Time to fasten upon you in the Execution of your Place, and in the Administration of Affairs of State; and that is, your countenancing and abetting the Subornation of Infamous Fellows, for their perjuriously Swearing Innocent and Peaceable Men out of their Lives. And though this Villainy hath been already in some Measure laid open, and represented to the World in a Letter to my Lord Chief Justice Holt; yet the Trouble and Dangers which divers Gentlemen are brought into, arising

from and being caused by those Miscreants, I shall endeavour to pursue and detect that Matter a little farther, but without quoting or borrowing any Thing from the forementioned Paper. And I shall use the same Method which that Author hath done; namely, To give an account First of a Suborner and Manager of Evidence that was not there mentioned, and then to Character some more of the bribed Witnesses; that the Nation may fully understand upon the Oaths of what Sort of *Rake-bells* there is a Design carried on for the Destruction of honest Gentlemen. And to begin with one, who tho' he hath not hitherto set up for a Witness, yet valueth himself extreamly upon the having procured and brought in those that are. His Name, that neither this Age nor those that are to come may be ignorant of him, is *A* ——— *J* ——— Brother to the famous Secretary Mr. *J* ——— *J* ———. For these Brothers, and Brothers in Law of Secretaries, have ways of getting into Employments, which some have Honour enough to scorn and refuse, as others want Interest to attain unto. Of which *H* ——— *S* ———, and the Person whom I have just now mentioned, are very remarkable Instances. And it is fit that each of the two *British* Nations should furnish their respective *Quotas* for the Support and Maintenance of the Government. And tho' *England* hath the Credit of Supplying the State with most of its Tools of this Kind, yet *Scotland* is loath to lye under the Disgrace of not being able to oblige the Court with some qualified for this Employ. And the Reputation of doing the Ministers, and in them the Government, this piece of Service falleth to the Share of Mr. *A* ——— ~~*J* ———~~, who keepeth his Qualification Office at the *Rummer Tavern* below *Charing Cross*, where having moistened and warmed those he designs to make Impressions upon with Plenty of Wine, he doth in the next Place accost them with the offer of *Guineas*: and with Assurances either of *Civil* or *Military* Employments, if they will undertake to Swear such and such out of their Lives. And it is to his Art and Industry, if we may believe himself, that the Government is indebted for most of the Scotch Witnesses. For your *Bruces* and *Seatons* are said to be of his Mustering, and so are your *Martins* and *Sommerils*; the last of which decoyed Mr. *Chambers* into his Company, and then betrayed him. And having mentioned Mr. *Chambers*, it were worth the knowing upon what Mystery of State he should be refused the small Allowance of *Four Pence* a day, which the other Prisoners in the *Marshalsea* with him have afforded them.

But

But to return to Mr. A ——— J ———, who lyeth under this Prejudice, that all whom he enrolls for this Service will be thought allied to him in one Quality, which all that know him affirm his being endowed with in so great a Measure, that no Man believes a Word he says. For as his Character among all his Acquaintance is that of False and Lying *Sandy*; so it passes for the Badge of a weak Man to give Credit to any thing that Mr. A ——— J ——— declareth, tho' he swear to it. But albeit the Court hath been a Sanctuary to him, all along since the Revolution, to cover him from his Creditors; and *Whiteball* hath been to him in the quality of a *White-feyars*; yet it is hoped that no Place will long shelter him from the Punishments due to him as a *Suborner*. Nor is this Trade of his Suborning Witnesses to swear to Falshoods, and to depose Perjuriously, an Employment with him of a late date, seeing he set up the Practice of it many Years ago. So that whoever will but take Pains to go to *Doctors Commons*, will find a large Catalogue registred there of those he had Bribed to Swear to his Marriage with one Mr. *Perrier's Daughter*, and to many Familiarities with her, which I shall not mention, of which that Court after great Enquiry, and a Suit long depending, did not believe one word to be true. Yea, the Subornations whereof he had been in that Case guilty, were so numerous, notorious and gross, that they not only determined it against him, but both then, and ever since whensoever he is named in presence of any who belong to that Society, they brand him with the Character of the boldest and most Impudent *Suborner* that ever commenced or pursued a *Suit* in that Place. And the Perjuries he had been accessory unto, were so many and apparent; and the Defamations he had fastned upon the young Gentlewoman so scandalous and gross, that had he not withdrawn first for *Scotland* and then to *Ireland*, he had been prosecuted in the Courts at *Westminster*, and brought to undergo an ignominious and corporal Punishment. It is unwillingly, and with regret, that I do either call these Things to remembrance, or publish them to the World; but when the Man is not satisfied in the Enjoyment of a Credit which he doth not deserve, but will upon a Reputation that is only charitably connived at, set up to destroy innocent Persons upon the Testimony of bribed and perjured Witnesses; it is then indispensably incumbent upon such as know those Things, to strip him of his Mask and Disguise, and to present him to the World in his natural Image, and expose him to view in the best Light they can. Especially when he is grown up to that Impudence, upon a Presumption of Merit by the many Services of this kind which he hath done the Govern-

ment, as to tell Sir George Maxwell that he was to dye as a Traytor, and that his Estate was offered to him; which, by the way, is a much better Estate than ever was forfeited from him, and the rest of his Family by his *Father's Attainder*. And that it may appear with what Intemperance, Temerity and Malice, Mr. S—— J—— hath engaged himself, if not in the Forgery, yet at least in the Support of this Sham Plot upon the Credit (as I am willing to believe) of his Brother, I shall lay before the Kingdom one Instance of it among many, and that a very late one; namely, That the said Mr. *Secretary* being informed, or at least pretending to be so, by that Suborned and Mercenary Fellow *Seaton*, how one *Lieutenant Drumond*, who serves King *William* in one of the Regiments in *Flanders*, could be an Evidence against *Colonel Fountaine*, he not only writ to have the said *Drumond* sent immediately over from thence hither; which King *William* (whom you Ministers have drawn into the Belief of a Conspiracy against him) accordingly did, and that under a Command of making so much haste to be here, that the Gentleman had not so much time allowed him, as to fetch his Linnen and Cloaths from the Place where they lay: But upon his arrival the said *Secretary* would have at first wheedled, and at last endeavoured to huff him to appear as an Evidence against the forementioned *Colonel Fountaine*. And tho' *Drumond* averred to him upon the Word of a Gentleman, that he was so far from understanding any thing whereof the *Colonel* was accused, that he did not so much as know him, nor was ever in his Company, to the best of his remembrance; yet the forenamed *Secretary* continued not only to rail against *Colonel Fountain* as a hainous Traytor that must dye, but both to insinuate and affirm that *Drumond* must know a great deal against him. Which so provoked the *Gentleman* upon the finding himself temptred and importuned to murder an innocent Man, by a false and perjurious Deposition; that he told the said *Secretary*, That as he neither could nor would be an Evidence in that Matter, so the *Secretary* needed not to be so earnest to suborn and debauch him, seeing he might easily furnish himself with enough of such Witnesses about the Town as he looked after for half a Guinea a Man. Which as it declares how large and deep this Conspiracy is, of those that serve the Government, against the Lives of guiltless Persons; so it both shews the hazard that *Colonel Fountaine* is in, upon no other foot save that of meer Malice; and unfolds unto us the Methods taken and pursued to draw in and Mutter Witnesses. Nor is it improbable but that *Drumond* upon declining to forswear himself, to destroy both an innocent Person, and one whom

whom he doth no ways know, may not only have his *Commission* taken from him, but be refused the Payment of his Arrears; whereas had he complied to do what was required of him, he might have reckoned upon the being speedily preferred to a very considerable Command, and that upon the score of the highest Merit that is now in Fashion. But can there need more to supplant the Belief, and eternally to blast the Credit of the present pretended Plot, than that *H* — *B* — and *A* — *J* — are the Procurers and Managers of Witnesses for the support of it. And I have been the rather obliged to give the Character of this Gentleman, because that as Mr. Secretary *T* — declares he knows very little more of this Plot, than what Mr. Secretary *J* — conveyed unto him, either immediately by himself, or by such Witnesses as he sent him, so it is not improbable but that Mr. Secretary *J* — had the Intelligence of it from his Brother *Alexander*, and those whom he handed to him; having first suborned them. So that this whole Conspiracy, for which so many have been taken into Custody, and more have been looked after, seems to have been first minted by *H* — *B* — *A* — *J* — and *H* — *S* —, and afterwards made current thro' the Kingdom, by the Credit which the two Secretaries *J* — and *T* — have stamp'd upon it. For that Noble and very Honourable Person, who filleth the Place and beareth the Title of *English* Secretary, in Conjunction with *T* —, is a perfect Stranger to this whole Plot; farther than as they have involved him in the Ignominious Drudgery of pursuing it, by imperiously as well as craftily playing their Witnesses upon him: And considering his great Sense and Honour he cannot but resent the great Affront and Indignity done him by Mr. Secretary *T* —, in turning all the Witnesses upon him to clamour Men out of their Lives, while he withdrew into the Country to observe, at a distance, how the Mine should spring which he and some others have been so long in digging and working at in *Powis-House*. Or if it should reverberate on those that gave Fire unto and stand near it, he might be out of the reach of the Disaster, and have the pleasure of seeing the Honourable Person whom he left here covered with the Dirt and Dust which it raiseth, if not buried under the Ruines of it. However this Trade of Suborning Witnesses is become so common, (which it could not be were there not too much countenance given unto it by those in Authority) that every pitiful Fellow that hath a Mind to ingratiate himself into Court-Favour, and to obtain

obtain a Pension, dare Openly and with Boldness venture upon it. For it is not long since that two *Bayliffs* took the Confidence to accost a Third, and to tempt him to come in as an Evidence against Mr. *Tildsley* and another Gentleman; and depose his having heard them speak treasonable Words against their Queen, and about the Murder of her: Tho' the Person thus accosted (as he confessed to a Friend whom he consulted about the Matter) never knew Mr. *Tildsley* nor t'other Gentleman, and much less heard them speak the Words, or any like unto them, which the two Suborners would have had him to have sworn against them. Nor is it to be questioned, but that those two Rascals, who endeavoured to inveigle their Companion to be a false Witness, will appear as Evidences both against the two Gentlemen I have mentioned, and against all such as they shall be hounded at. But tho' Secretaries may take up and Imprison Men, upon such Testimony, yet I cannot apprehend (albeit I have a slender Opinion of the Sense, Vertue and Fortitude of many that are admitted upon *Pannels*) that any Jury will give the least Faith or Credit to what such Villains shall have the Impudence to swear. Yea this Practice of Subornation is grown so much into Fashion, and receiveth such Encouragement, that even those who are upon the List, and have the Sallary of standing Witnesses for the Government, are not contented with the single Province of being *Whitehall Evidences*, and to perjure themselves, but they interlope likewise upon *Alexander J—* and *H— B—*, and turn Suborners of others to come in and forswear themselves; whereof we have a remarkable Instance in *Lunt*, the much celebrated Witness concerning the present Plot, in his endeavouring to suborn those Gentlemen, whom *Taffe* had introduced into his Company. For tho' Mr. *Bagshaw*, of whom I made lately mention declined meeting with *Lunt*, from Apprehension of the dangerous Consequences that might attend the having been in the Company of a Person of his Character, yet Mr. *Bancks* and Mr. *Beresford* ventured to meet both *Lunt* and *Taffe*, at the Ship Ale-House in *Butcher-Row*, by *Temple-Bar*, on Fryday the 28th of September last, about Three of the Clock in the Afternoon: At which Time and Place, *Lunt* upon the encouragement of *Taffe*, taking those two Gentlemen to be Persons very proper for his Purpose, told them without much Ceremony or Compliment, that he wanted some Gentlemen of Reputation to support his Design, and that if they would be serviceable unto him, they should be plentifully provided for,

for, seeing that for want of Men of Credit, he was forced to maintain some scandalous Fellows to keep his Plot on Foot: After which having produced a Paper he called a Narrative of his Plot, and caused *Taffe* to read it unto them; *Lunt* began to be very frank, and to declare how Zealous he was to perfect the Plot, relating withall how dextrous he had hitherto been in the managing of it. Adding that as Mr. *Lee* of *Lime* had a vast Estate, so his Business must be done; and that he designed those two Gentlemen Mr. *Bancks* and Mr. *Beresford* to do a particular Service in that matter. In brief, he attempted to suborn them to be Witnesses in Relation to *Commissions* granted by the late King *James*, for raising Troops to subvert the present Government: Telling them that the *Commissions* must be wrote very plain and legible, and that he would take care to have them signed with King *James's* Hand, as he usually wrote it. All this is depofed upon Oath by the two forementioned Gentlemen, and was not only shewed and imparted to my Lord Chief Justice *Holt*, but was likewise offered to be sworn before him. And if it be true, that any of the Judges (as is commonly said of some of them, and fully known of my Lord K —) have both perused the Depositions against the Gentlemen that are to be tryed, and discoursed with the Witnesses, which I am sure by Law they ought not to have done, but have as well avoided all Cognizance of the matter, till it appear before them in Court, as all talking with the Witnesses till they are produced at the Bar: I will say that they might with as much Honour and Justice, yea, that they should in Duty have been as ready antecedently to hear what can be said and sworn in Favour and Behalf of the accused, and for invalidating the Testimonies of the Villains that come in Witnesses against them. However, this that I have recounted being infallibly true; it shews both how pretended *Commissions* from King *James* come to be charged upon several Gentlemen now in Custody: And that there is no Man in *England* can say he is safe if this Practice be not speedily suppressed, and all those who are either directly guilty of it, or have the least access thereunto, be not punished with the utmost Rigour that according to Law can be inflicted upon them. Nor are these the only Persons whom *Lunt* has been endeavouring to suborn, but he made the like attempt upon one who was of the number of those Persons carried to *Chester-Goal*, and importuned him under promise of great Rewards, to swear that he had received Money of Mr. *Walmesley* for the carrying on

and promoting the Service of King *James*; and upon that Persons answering that he had never seen Mr. *Walmesley*, the Mifcreant had nevertheless the Impudence to tempt and entice him to own what was delivered to him the said *Lunt*, and another, and that then they Two would swear to it, and excuse the Person whom they accosted from being an Evidence. Which the poor Man likewise refusing, *Lunt* thereupon grew enraged, and threatned him both with abridging the mean Commons that were allowed him in Prison, and with the greatest Severities that could be inflicted in a *Goal*. And as if the execution of all this to the full at *Chester* had not been Injustice and Barbarity enough, they have haled the poor man hither to Town, and thrown him with Two other Persons more into *Messengers* hands, to be there wrought over and trained up for Evidences; which that they may the more easily and better Effect, the Messenger not only refuseth to admit any to come to them, but disowneth the having them in Custody. Which serveth farther to instruct us of the Mischiefs that attend the Confinement of Prisoners to other Places than Legal *Goals*. And it would seem that there are Privileges belonging to the Ministers of this Government, that were never allowed to those of the former; namely, That as they may without being made accountable press Men for Soldiers, when they will not of their own accord list themselves; so they may torture Men into the becoming Witnesses, when they can neither wheedle nor bribe them to it. For I do account such a Confinement as I have recounted, and the starving them thro' not allowing them a Sixth part of what their Appetites crave, to be a torturing of them. Nor do the *Scotch Boots*, which are the Disgrace of that Nation and the Scorn of this, affect Men in so sensible Parts as the pinching them for Weeks and Months in their Bellies doth. Which will make me always dread the hearing some People threaten to touch their Enemies in the most sensible part; and the rather, when I find it executed upon such as they call so at home, instead of falling upon those that are so abroad. And we may easily imagine how admirably qualified some of your Messengers are for to rack and torture poor Men when they have taken them in Custody, by the hostile and violent Methods which they practice, and seem to be licensed to use, in their apprehending them. Of which I crave leave to refresh your Memory with one remarkable Example, whereof not having had seasonable Intelligence, I could not insert it in its proper place, as otherwise I should; namely, How that *Kirson* breaking into a House

House in *Scroops Court* near *S. Andrew's Church*, where some quiet People were peaceably assembled to worship God, on the 30th of *September* last, and having seized several without either producing or having any Warrant, and demanding the Key of *Mr. Grascom's Closet*, to rifle for Papers, which the said *Mr. Grascom* refusing to deliver, unless he might see his Warrant, and know by what Authority he stood empowered so to act; the fore-mentioned *Kitson*, pointing to his Badge as his sole and sufficient Warrant, pulled a Pistol out of his Pocket, and swore by God that he would shoot *Mr. Grascom* (who is a Learned and Holy Minister) thro' the Head, unless he immediately surrendered the Key of his Study. Hear O Heavens! and be astonished O Earth! That *England*, under Pretence of having its Rights and Liberties rescued and vindicated, should be reduced into this worse than *Turkish* Bondage and Slavery. And that under *One* whom a deluded Nation entertained as a *Moses* to redeem them out of a meer fancied *Egypt*, they should be translated out of a *Canaan*, where only too much Safety, Ease and Plenty, made them complain, and brought into an unprecedented and intolerable Thralldom. As if those Things were again to be re-acted which made *Tacitus* say, *Quantoque majore libertatis imagine tegebantur, tanto eruptura ad intensiore servitium*; That the great Pretence of the restoring us to Liberty, was only that with the more Facility we might be made the greater Slaves. But it is worth enquiring, Whether Self-Defence in all the ways God and Nature have enabled us, be not in such a Case, as that of *Mr. Grascom's*, both lawful and necessary? And whether I ought not in Duty to God and my Country, as well as I may by the Law of the Land, stab such a Fellow as *Kitson* who thus hastily assaults me? And for the being resolved about it, I do recommend all true *Englishmen* to three very Eminent *Divines*, and as singular *Casuists*. Namely, to the *Author of the Measures of Obedience* that li- veth at *Salisbury*, who hath told us that when the Laws of a Constitution are publicly violated, how we may have re- course to the Laws of Nature, which put us upon a com- mon Level with those that were antecedently our Rulers, and give us Liberty to oppose them, and defend our selves and our Government by Laws established: To the celebra- ted Inventor of that needful Distinction of *Swearing to this Government to hinder the growth of Popery, and of not Swearing to it to prevent a Deluge of Atheism*, who resideth at *Litch- field*: And to that great Man who dwelleth on the other Side

of the River, whose Divinity in 88 stood in direct Contradict on to his Theology in 83; as appears by comparing his admirable Letter to the late Lord *Russel* with his many Loyal and Edifying Sermons since the Revolution.

Nor shall I at present insist further upon your Suborners being resolved to keep something in reserve undiscovered till this Matter come to lie before a Parliament: and shall therefore proceed to the charactering some other of your Witnesses that have not been hitherto staged and detected in any Paper already in Print. And had your self, and the rest of the Cabal at *Powis-House*, been so prudent as to grow temperate in your Conduct upon the Advertisements published in the Letter addressed to the Right Honourable *My Lord Chief Justice Holt*, you had prevented my falling under a Necessity of exposing those that you seem to have an Esteem for; and thereby of bringing both your Judgment, Integrity and Honour into question. And the First whom I shall unvail and detect, and afford the Nation the Diversion of viewing in another Light than the Grand Jury at *Hicks's-Hall* had the Advantage of discovering him, when he swore to a Bill of High Treason against Capt. *Williamson*, is one *Brereton* or *Brewerton*: The History of whose Life, when I have only given a few Years Abstract of, will fill all Men with wonder, that he had the Confidence to walk the Town, and much more encrease their Astonishments to find a Person loaded with his reproachful Crimes, to have the daring Impudence to appear as a Witness in a Court of Judicature. For not to speak of his *Bilking* most, if not all, the Persons in whose Houses he had the Favour to lodge, and running away by stealth without giving them Notice, or paying what he had contracted for: Seeing, whosoever hath a desire to be satisfied in this, need only go and enquire at *Mr. Thorps* next door to the Sun Tavern in the Strand; at *Mr. Terry's* a Taylor in *Holtford's Alley* in *Wild-street*; or at *Mr. Salisbury's* a Hosier near *Kings-gate* in *Holbourn*: From all whose Houses he went away clandestinely, without paying a Farthing of what he was indebted unto them for the Rent of his Chamber. I shall insist a little more particularly on his being guilty of a Crime of a higher Nature, and for which as the Law makes him obnoxious to Corporal Punishment, so no Man, even not *Mr. Aaron Smith*, can have the Face, after I have represented it, to judge him fit to be allowed for a Legal and Credible Witness. In brief then, this Captain *Brereton* or *Brewerton*, being entertained at a Lodger at one *Mrs. Cottons*, that liveth in *New-Court* near *Holborn*

Holborn-Bars, he not only inveigled a Servant Maid into such wicked and unclean Commerce, that the Mistress detecting it turned them both out of Doors; but he was Accessary in a little time after to the robbing of the said Mrs. Cotton of Fifty Guineas, a Gold-Watch, and of several other Goods; or rather perpetrating the Fact himself, which is the more probable: For Search being made after the fore-mentioned Goods, upon the loss of them, they were found in this *Brereton* or *Brewerton's* Chamber, yea in his Pocket, at the Sign of the *Three Herrings* in *Red-Cross-street*. And the Fellow being sensible of his Guilt, and knowing the Punishment he was liable unto, for so reproachful as well as heinous a Crime, he fell upon his Knees and begged of the Gentlewoman that she would not prosecute him, seeing his Reputation would be thereby ruined; that is, as I suppose, he would be incapacitated to be a Witness, which it is very probable he had then a prospect, as the last Shift and Trade to subsist by. It were superfluous after this to tell you, how that upon clandestinely abandoning his Lodging once in *France*, he left a Trunk behind him filled with stones, hoping thereby to have imposed upon his Landlord, as if he had not only left behind him above the Value of what he owed, but that he intended to come again. But the French-man breaking open the Trunk sooner than *Brereton* conceived he would, and finding what Treasure it was furnished with, immediately pursued, took, and carried him back; and besides the treating him with the severity he deserved, he forced him to borrow Money, and pay his Debt, before he let him go. Nor need I assure you that he went under such an infamous Character at *St. Remains*, that when after his departure from thence, he was seized and stopt at *Liste*, till some Account could be had of him from *King James's* Ministers; who thereupon gave such Representation of him to those who had stopt and detained him, that he was upon the Receipt of it, thrust out of *Liste* with the Drum beating after him, as a Mark of Disgrace. Yet this is the credible Person upon whose Testimony principally a Bill of High Treason was found at *Hick's-Hall* the last Sessions against *Capt. Williamson*, and upon whose deposition he is to be tryed at the *Old Baily* the next Sessions. For the Question properly is not whether *Capt. Williamson* was in *France*, but whether it Legally appears that he was there within the time expressed, and limited by the Act? And whether this *Brereton* have the Qualifications required by the Law to render him capable and fit to testify it? For according

ding both to Law, and all other Sciences. *De non apparentibus & non existentibus eadem est ratio, Things that appear not, are to be accounted of as if they were not at all.* And suffer me to add upon this Occasion, That I can never believe that the design of the Parliament was to make it Capital to go for *France*, when the Errand thither might be both Lawful and Necessary. For that were to suppose the Members of both Houses (or at least the Majority) to be in a Combination to sacrifice the People, and Interest of *England*, to our Foreign and Confederate Neighbours: Seeing nothing is more certain than that the Subjects both of the *Seven Provinces*, and of the *Spanish Netherlands*, have a daily Entercourse with *France*, by going and returning; and that not only by Connivance, but by the Authority of public *Passes* whensoever they are demanded. And for those that Design to go from hence thither upon any Treasonable Account, it were easy to effect it, without the Government being able to make it punishable, tho' they should come to know of their having been there. For it is not only to acquaint some of the *French Privateers* before hand, that you are to embark on such a Vessel for *Rotterdam*, or *Ostend*, and to desire them to intercept the Ship. But this carrying wit it an Injustice to others, which few of those stiled *Jacobites* are capable of being guilty of, there is a Genteeler as well as more Innocent way of going thither, and that is by your own *Pass*. And you may be sure more have gone thither by the *Secretary's Pass*, than ever went clandestinely. For as you will not deny a *Pass* to the *Hague*, upon having so much Money for it; so it is easy to obtain one from thence to *Brussels*, and from *Brussels* to *Lisse*, at less charge than I can purchase one at *Whitchall* for going from *London* to *Edenburgh*.

But to return to the giving an Account of some more of your Witnesses, and of what Reputation they ought to be esteemed by a Court of Judicature, and a Jury. In the pursuit of this I shall therefore, in the next Place, give the World a Representation of Mr. *Slingsby*, whom the Ministers have brought out of *Ireland* to be a Witness against Mr. *Crosby*, and do extremely value themselves upon the having one called a Gentleman, and of some Fortune in the World, to appear in the Figure of an Evidence: But by that time I have presented him by another handle than that of Birth, and Estate, by which the Ministers lead him forth, and shew him; I am much mistaken if they be not ashamed of sending for him upon such an Account, and if he does not wish he had stayed where

where he was, and not come hither upon so ignominious an Employ. And it extremely detracts from the Credibility of whatsoever he deposeth, that he comes over Hired and Bribed to do it. For his telling Mr. *Willoughby*, that one of the Lords Justices of *Ireland* had promised he should be provided for all his Life, in case he would be a Witness against Mr. *Crosby*, amounteth to no less, both in Law and common Sense, than that he is scandalously hired to be an Evidence. Nor is this an unsuitable Employ to a Person who hath in many Instances discovered himself a common Cheat. Yea, so natural is a Couzenage unto him, that he could not forbear practising it even upon those in whose Power he knew it was to crush him. Witness his defrauding my Lord *Renelaugh* of *Sixty Pounds*, for which that Lord treated him to his Face, at the Hearing of divers Persons of Condition, with no better Titles than those of Rogue and Rascal. And it is notoriously known, that about the time of King *James's* withdrawing, he cheated the Regiment (to which he stood then in the Relation of Agent) of several Hundred Pounds, as is ready to be attested by several Officers, as well as private *Ceninel*s, that suffered by his Knavery. But that which brands him with indelible Infamy, and ought to incapacitate him from being esteemed a Credible and Legal Witness, is, his having fastened upon a Gentleman a *Sham Bill* of *Fifty Pounds*, and of which he received *Fifteen* before the Cheat was detected. But the Couzenage, and Falsification, being discovered ere he had received the rest, he was arrested and thrown into the Counter; from whence he got out upon *Sham Bail*, and so having escaped the Punishment of one Crime, by perpetrating another, he fled into *Ireland*, whither it was not worth the while, nor at that time easy to pursue him. Neither can any thing be so infamous, which this Man will not commit; seeing in Contempt both of the Laws of Nature and Revelation, and in Violation of the Duty and Affection of a Brother, he hath thrown his Eldest Brother into Prison in order to defraud him of an Estate. To which I crave leave to add, That having been bred a Protestant, and continued so till of late years, he then turned Papist; tho' as he declared to several at that time, and hath often repeated it since, that he did it not upon any Conviction of Mind, but merely to comply with the Desires, and to gratify the Importunity of his Relations: Which speaks him to be a worse Man, than if he were an avowed and down-right Atheist. Because while the one denies there is a God, he doth in effect renounce

nounce him at the very same time that he pretends to believe there is one. For whosoever departs from a Religion that Judges to be true, to embrace one of the Truth whereof he hath no Conviction upon his Mind, doth no less than boldly despise, and implicitly disclaim that God whom he owns and pretendeth to worship. Nor is such a Man's Oath to be more valued, or what he declares upon it to be more credited; than one would rely upon the Oath of a professed Atheist, or believe him that ridicules a Deity in what he swears. So that leaving this Gentleman, cloathed with Infamy, and the Court covered with Dishonour, in offering to use him in the Quality of a Witness; I shall now advance to the Representation of another of your *Powis* House scandalous Evidences.

And that shall be *Lunt*, whom I cannot overlook, without giving some additional and farther account of him than what the World is already furnished with; either in the *Letter to my Lord Chief Justice Holt*, which hath been so often mentioned, or in any former Paragraph of these Sheets. And it is a very shrewd Presumption that he is Bribed and Suborned, in that he who a few years ago wrought as a day Labourer at *Highgate*, in cleansing the Ponds for *Twelve Pence* a day, can now pull *Sixty* or *Seventy Guineas* at a time out of his Pocket, as he lately did; and that for no other end than to publish his Vanity, and shew how well he is Stocked with Money out of the Exchequer. However as it proclaims him a great Villain to be so well Furnished, and yet to suffer his first Wife, and the two Children he hath by her, to be ready to Starve in *St. Alban's street* in *St. James's Parish* and who would infallibly be Famished, if the Parish did not keep and maintain one of them; so it declares what a profitable Trade it is to swear Men perjuriously out of their Lives in favour of the Government. Nor can any thing more detect the Villany of the Rascal, than being asked by a poor Man for a Debt which he owed him, and which the Creditor said he hoped he would pay him having gotten Plenty of Money; he instead of that caused him to be apprehended as a Traytor: So that he is now a close Prisoner with a Messenger, where none are allowed to speak with him, but they who have him in Custody: And in the mean time, under this unmerciful and illegal Restraint, all the Methods of Care and Menace are used towards him to gain him to be a Witness. Neither is that poor Man the only Person among his Benefactors and Creditors whom he has thus unthankfully and villainously

lainously rewarded: For Mr. Noel of *Dover* having in *December* 93, not only relieved him and his Wife, at their Landing there from *Flanders*, in their passing thro' which they said they had been robbed of 50 *l.* but having withal lent him 5 *l.* and given him 20 *s.* gratis to enable him to defray his own and Wives Charges to *London*; the Rogue in requital thereof hath accused the said Noel of High Treason; and by swearing that he intended to murder King *William*, hath caused him to be turned out of a Place which he enjoyed under the Government, and to be taken into Custody. Yea, the Miscreant having been recommended by the said Mr. Noel to Mr. Shelton at *Canterbury*, and to Mr. Crofs at *Rocheſter*, for their affording him and his Wife Lodging and Entertainment in their travelling hither, he borrowed of Mr. Shelton 50 *s.* and of Mr. Crofs 20 *s.* and instead of repaying them hath sworn them both into the Plot. And whereas there was but one Man in the World, namely, Mr. *Whitfield*, at the Knave of Diamonds near *Leiceſter Fields*, that had taken Compassion upon him at all times under his Poverty; and who at several Seasons had lent him to the Sum of 40 *l.* for which he hath his Bond; the ungrateful and barbarous Rascal hath, in return for his Money and manifold Kindneſſes, given in Information of High Treason againſt him, and caused him to be apprehended. But that which moſt ſignally diſcovers both the Infamy of the Miscreant, and the Combination which ſome of the Miniſters and other Inferiour Officers of the Government are confederated in for deſtroying Innocent Men, is, That the Rogue ſtanding indicted for Felony for marrying a Second Wife, while the Firſt by whom he hath two Children is ſtill alive, and for which being apprehended the 2d of this preſent *October*, by Legal and Bench-Warrant, granted under the Hands and Seals of Mr. *Prideaux* and Mr. *Byron*, two Juſtices of Peace; *Aaron Smith* did ſo hector both my L--- M--- and the R---, by telling them what a neceſſary and uſeful Inſtrument this Rascal was of the State, and how much they wanted him to ſupport the Belief of the Plot, and for the Conviction of thoſe Priſoners that were to be tryed for High Treason; that thoſe two Magiſtrates ſuffered themſelves againſt all Law and Juſtice to be huſſied into a Compliance of admitting him to Bail. And becauſe one, who had any Reputation to loſe, could be found to be ſureties for a Fellow that is perjuriously engaged in making a Plot, where all wiſe and diſcerning Men (ſave thoſe of the Sanitary Club at *Powis-Houſe*) both know and acknowledge that there is none, *Aaron* himſelf, who is ſufficiently dipt in all the arts of that Villainy, together with one *Culliford* (who waits constantly

constantly upon *Aaron* in the Quality of his Follower, and whom he employs to run into all Companies to know what is said of him) became Bail for the Rascal. And because the Title of *Labourer* or the Stile of *Victualler*, by which *Lunt* designs himself in a Judgment granted under his Hand and Seal, were too mean for one of King *W's* Witnesses to go by, and too contemptible for a Person of *Aaron's* Degree and Haughtiness to own under either of those Characters; he caused insert him into the Bail Bond by the Title of Gentleman. And undoubtedly Mr. *Smith* who acteth as invested with a power to dispose of mens Lives as he pleaseth, may confer Honours on whom he will. And having made a Gentleman of a Rogueish Peasant, he may in a little time challenge the creating whom he thinks meet Barons and Earls: Seeing these are more indebted to Inclination and Humour for their Creation, than any are or can be in their being made or rendred Gentlemen. For as King *James* the First said pleasantly enough to a certain Person that had desired to be made a Gentleman; Friend, I can make you a Knight, but it is not in my Power to make you a Gentleman. But no Behaviour of *Aaron's* can be thought undecent, and much less insolent towards my Lord Mayor and the Recorder, if we do but observe with what imperiousness at the end of a Sessions, after the Judges are withdrawn, he not only dictates unto them the *Fines* they are to impose upon such as are convicted of Misdemeanor; but how they must over and above at his Pleasure and Beck, bind such to their good Behaviour as he thinks fit. In a Word, there was never such packing of Juries, obstructing and perverting of Justice, obliging Persons both to High and Supreamary Bail, as since the Nation fell under the *Grand Viceship* of Mr. *Aaron Smith*. So that under *Burton* and *Graham* we may be said (notwithstanding all our Complaints) to have lived in *Republica Platonis*; whereas the best we can now pretend unto is to be *in facie Romuli*. But in the mean time, where is Law, Government and Justice, that a Criminal indicted of Felony, and taken into Custody, should be thus rescued out of the Hands of Magistrates, and from under the Power of the Law, to be made use of as a Witness to destroy those that are Guiltless? And this at such a Season when the *Felon* was to have come upon his own Tryal, to receive the Punishment due to his Crime: With this further Aggravation, that this was done by the imperious Interposition of *Aaron Smith*, who being an Officer under the Government, should for the Honour of *K. W.* and Credit of the Court, have not only permitted the Law to have its Course, but ought to have assisted in preventing all Obstructions in the Execution of Just ce.

But

But *Aaron* knows where his Interest lies, and that he gains more by the Tryal of *State-Prisoners*, than by the Prosecution of *Felons*. For the heaping up of Money justly or unjustly, is what *Smith* principally aims at; and not being contented with *Sixteen Thousand Pounds* payable into the Treasury, which he hath gotten into his Hands, and not paid one Thousand of it (being resolved as it seems to cheat the Government of the rest;) he endeavours to give all the Countenance he can to *Sham-Plots*, as finding them so subservient to his Profit. And while he grows Rich by other Mens being suspected and taken up as guilty of Treason (every pretended Plot being worth unto him some Thousands of Pounds) he doth all that Craft and Malice can suggest, for the forging of Conspiracies, and the pointing out such for Criminals whom his Covetousness makes him desirous to have believed Traytors. And there is enough to be laid before the Parliament to convince the most Incredulous and Obstinate, that he hath been a wilful and malicious Encourager of this *Sham-Conspiracy*, as he is known to be the principal Countenancer of Suborners, and the chief Supporter of perjured Witneses. But what can be expected that is either Legal or Righteous, from a Man that makes it his Business against the time of any Tryals for State-Crimes, to get the Under-Sheriff to return what Grand and Petty Juries he pleases: And if his Blood-thirsty desires be not readily complied with, he complains to the Upper-Sheriff, and never leaves swaggering and threatening till he gets it done. And as if this were not enough towards the compassing his Sanguinary and Cruel Ends, he frequently sends for the Lists of those that are to be returned upon the *Pannels*, and strikes out and puts in whom he thinks meet. Yea, he is risen to that height of unpresidented Barbarity, as to take upon him to dictate to Grand Juries when sworn and sitting, how they are to find the *Bills* that lie before them, imposing upon them with an Insolence peculiar to himself, that such and such both ought and must be made Examples. Nor will any Man wonder at *Aaron's* haughty Impudence towards *Juries*, that observes how he treats the very *Judges*, in his Application unto them, as if he were in the Place and had the Authority of *Dictator*, and they only to be the Executioners of his Pleasure, with as implicit a Faith as an Obedience. Nor does any one give that check to his Imperiousness, Pride and Insolence, as the *Attorney General* doth; who finding of what Profit and Advantage it is to be as much as he can at the head of all Treasonable Causes, and to keep Prosecutions of that nature under his own Conduct, doth therefore whatsoever lies in his Power to confine *Aaron* to a shorter Tedder than

he is willing to be staked down unto: for which he talks of Mr. Attorney with the utmost Contempt, detracting both from his Knowledge and Integrity in all Companies. Which Misunderstanding I leave to be arbitrated between themselves, as being best acquainted with each others Intellectual and Moral Qualifications.

But why do I insist so much upon the unpresented Illegalities of Aaron Smith, when the very Secretaries of State themselves without regard to Law, Honour, Justice or Humanity, cause seize and apprehend both Men and Women, for no other Offence alleged against them, but that they discover what they know of the Infamy of the Witnesses, and take the Methods which the Laws have provided and chalk'd forth for bringing them to an accountableness for their Crimes. And as the like was never practised under any of those Reigns of which we did most complain, and as it appears since very unjustly; so it is worthy of our observation, that when a Pack of Scandalous Rascals had combined in the Year 1681, to involve a great many Protestants in a Conspiracy of seizing King Charles, and for altering the Government, yet no one was molested either for detecting the Forgery of that Plot, or for laying open and exposing the Crimes, Villainies and Perjuries of those who were then styled the King's Evidences. Yea, when three several Discourses, all of them bearing the Title of *No Protestant Plot*, were printed and published in Vindication of the Innocency of those that were suspected, as well as of those that were apprehended and imprisoned, and for detecting the Scandalousness and Legal Improbability of the Evidences, and withal the Picquancy which the Author of those Discourses had either Spirit or Language to season them with; yet they were not only read by every Man with Safety, but openly Sold by most Stationers about London, without Animadversion or Controul. Nor can any Age parallel such a Commitment, or furnish us with a Warrant of the Tenor of that issued out by the present Secretaries upon this occasion: whereof I shall subjoin a Copy, that this Generation may see their Misery, and the next laugh at our Folly. Namely (afterwards of course in all Warrants) *That they should apprehend and bring before them the Persons of ——— together with their Papers, for conspiring and endeavouring to suborn Witnesses against the Lives and Credit of several Witnesses for their Majesties, against Persons charged with High Treason, &c.* Which looks like a summoning all the Malefactors in the several Goals of the Kingdom, to come in and list themselves Witnesses for the Government, with assurance not only of Protections and Rewards, but that they shall have

have the Satisfaction and Pleasure to see those imprisoned and punished, that shall dare to prosecute them for their Crimes, tho' they should be Murders and Burglaries as well as Felonies. Were not the matter before me too open to be exposed, as well as it is tempting to render me severe beyond my Temper and Inclinations, I would add more upon this Theam. But tho' nothing can be rude, and much less picquant enough against those that have had the Indiscretion, if not the Malice to issue out a Warrant of this Nature, yet I will so far both retain my Passions, and regulate my Heat, as only calmly to expostulate the matter in one Word: Is the rescuing our Laws, and the vindicating our Liberties, which were the real Causes of the *Prince of Orange's* Descent into *England*, and the great Motives to the late Revolution, issued in this? That we have neither Laws nor Liberties left us, but that we must stand with our Mouths shut, and our Hands bound, till our Lives be destroyed and our Estates forfeited, upon the Perjuries of the most Notorious as well as Hainous Villains that ever the Earth bare. And let me tell you, That we think it much more eligible, to command the *Dutch Dragoons* to cut our Throats (if they can) than that a Design should be carried on, and thus countenanced, of murdering us by Forms of Law. For as in the *one* Case, we should be sure to sell our Lives ere we lost them, and should we miscarry in our own defence, would hope to dye not only pitied, but expect to have our Deaths revenged; whereas in the *other*, we fall with Disgrace; and there are few have the Honour, Zeal and Generosity, to resent the Wrong and Injustice that are done us. Yet it may be that when *proximus ardet utalegon*, every Man will be alarm'd; and that the Methods which render *quilibet homo reus*, may in a little time make *omnis homo miles*. And as I am very well assured, That by the Course is taken to destroy some, all Men are threatned; so I do not know, but that the common hazard, may run the Nation upon a Defence as universal as the Danger is.

But I return to a Representation of some more of your Witanesses; and he whom I shall next unmask is *Wilson*, who was formerly a *Chamberlain* at the *Bear Inn* in *Smithfield*, but who I do suppose is by this time commenced Gentleman, thro' the Grace and Favour of *Aaron Smith*, who takes upon him to be the Fountain of Honours. But this Fellow *Wilson* having within these Two years been tryed and convicted of Felony before Mr. *Baron Turton* for stealing *Four Bullocks*, and having thereupon been sentenced to be burnt in the hand, which was accordingly executed: I shall need to say no more to render him Infamous to

all the sober and impartial part of Mankind. Only I am sorry, Sir that you, and the rest of the *Powis-house Cabal*, should make it your Business so effectually to disgrace the Government whereof you are Ministers, as you apparently do in using, encouraging, and maintaining such a Rascal for a Witness, to destroy those whose Persons you hate, and whose Estates you covet. And as you cannot be ignorant of what I have now related concerning him; so you might easily inform your selves, if you preserved any respect to Justice, that at those Seasons which *Wilson* swears he was in *Lancashire*, and upon the treasonable Secrets of those Gentlemen against whom he hath deposed, that he was at those times in *London* in a very mean and servile Employ. But I will say no more of him, seeing if what I have reported doth not render him infamous nothing will. I shall therefore proceed to the Representation of a young Sprig of an Evidence, but who being placed for a few years under the Cultivation of *H—— B——* may grow up into an unquestionable Witness for the State; if Treachery and Forgery can make him so. His Name that it may not be forgotten, when you, and Ministers of your Complexion, have occasion to make use of him, is, *Stephen Chazall*; who having been formerly Servant to Mr. *Berionde*, and dismissed by him about Two years ago for Fraud and Infidelity, hath been ever since endeavouring to qualify himself to be an Evidence: For soon after he was discharged from his Master's Service, he made his first Essay of Roguery in breaking open a Trunk at the Black Swan Tavern in *Bartholomew-Lane*, where being taken in the Fact of robbing it, he had been prosecuted by the People of the House for Felony, if Mr. *Berionde* had not by earnest Intercession prevailed with them to overlook the Crime, and to let him alone: But the Graceless Youth, instead of being thankful to Mr. *Berionde* for saving him from the Pillory, or the Cart's Tail, did soon after forge his Hand to two Notes upon Goldsmiths, the one upon Mr. *Richard Pierston* for 25 *l.* the other upon Mr. *Walgrave* for 50 *l.* which by good Fortune, not being immediately paid, the Forgery came to be detected ere he could receive the Money. Yet instead of being discouraged by the repeated Discoveries of his Villainies, from attempting the like, he grew more emboldened to proceed in his Criminal Practices; and thereupon he not only again counterfeited Mr. *Berionde's* hand to Two other Notes, one to Mr. *Poisserme* at the George in *Pall Mall*, and the other to Mr. *Pawlet* at the *Blew Posts* in the Hay-market, and both of them for Wine; but he likewise forged Mr. *L'Espine's* hand to a Note to Mr. *Bancks* the Draper for Cloth: Which Bills and Notes tho' preserved, and ready

ready to be produced, yet thro' the too much Compassion and Humanity of those whom he would have cheated and defrauded, he escaped being prosecuted, and had only a Reprimand given him, seconded with good Counsel and Advice. But according to the Proverb; *Save a Rogue from the Gallows, and he will cut your Throat*; so this young Villain, advanced from *Forgery* in order to rob and defraud them, to *Perjury* in order to murder and destroy them. For hearing how tenderly those were cherished, and how plentifully they were maintained, that had set up to be Witnesses in reference to a Sham Plot, he resolved to try whether he could not raise a Fortune, or at least gain a Subsistence by coining Falshoods, and depositing them upon Oath for Truths, as well as your *Breretons* and *Lunts* have done. In order whereunto he gave an Information of High Treason upon Oath against Mr. *Berionde*, Mr. *De Hersee*, and Mr. *Sentiman*; on which they were all Three taken up, had their Papers and Books seized, and were committed Prisoners to a Messenger's. Nor will the Secretaries want business (how honourable let them and the World judge;) nor quiet and peaceable People trouble, so long as Subornations are countenanced, and Perjuries rewarded. For who is there that *Lunt* (to mention one in the room of all) will not swear against, rather than be degraded from a Gentleman, such as *Aaron Smith* has made him, to be a Victualler at *Westminster*, or a Labourer at *Highgate*; or to be reduced from swaggering with Sixty or Seventy Guineas in his Pocket, to work servile labour for 1 s. a day, as he was formerly accustomed to do.

But being wearied as well as ashamed, in sweeping Kennels, and in raking thus long in Dunghills, I shall therefore discharge my self from this Drudgery, after I have given an Account of one celebrated Witness more, whom you, Sir, have taken into your special Care, Favour, and Protection, and are indebted to *Newgate* for him. The Person whom I mean, is, your Friend and Darling, *William Ashlock*; who lived heretofore with Dr. *Oates*, that was of all Mankind the fittest to instruct him in the Forging of Plots, and how to support the Belief of them with unparalleled Impudence and Perjuries. Now the Dr. having no farther occasion for this *Ashlock*, since he got a Female Bed-fellow, the Blade became Servant to one Mr. *Freeman*, a Barber, in *Throgmorton-street* near the *Royal Exchange*. And having brought several good Qualities along with him from the Drs. the first Proof he gave of the Improvement he had made by the Example and Doctrine of his old Master, was to rob *Freeman* in Hair and

Money to the Value of about 30*l*. And tho' the Fact was clandestinely committed, yet knowing where *Ashlock* had been formerly Entertained and Disciplined, he had a Suspicion that he must be the Thief that had robbed him : And therefore causing him to be apprehended, and carried before a Justice of the Peace, some of the Money (which his Master could distinguish from all other) was found about him, and the Fellow thereupon committed by the Justice to *Newgate*, a little before *Whitsunday* last : Where he had not lain long, ere he gave a new Testimony where he had been Educated, and that he had been a very teachable Scholar under so expert and famous a Tutor. So that he took upon him to discover a Plot, whereof he could not miss the making this the chief part, namely, That there was a Design to kill *Her* whom they call the *Queen*. For the Burthen of the Doctor's Discovery heretofore being a Conspiracy to Murther King *Charles*, he would Copy his Master's Draught as near as he could, with the single change of a *Princess* to be assassinated, instead of a *Prince*. And to tread as much as possible in the Steps of the first grand Architect of Forged Conspiracies, having coined and framed a Plot in his Head, he in the next place wrote a *Narrative* of it, and took care to have it sent to my Lord Mayor, Sir *William Ashurst*. Which he not being so forward to give Credit unto as *Ashlock* expected, and who having sucked in a liberal Share of the Insolence and Impudence of the Doctor, and being willing it should appear how well he had profited under him, he sent to my Lord Mayor to know what he had done with his Discovery and Narrative ; which my Lord being alarmed at, as foreseeing the Consequences that might ensue upon it, he returned it unto him with a command, That he should attest before Witnesses what he had writ, or else that his Lordship would not farther meddle with it. And that being done by the Rascal with all readiness ; my Lord, to deliver himself both from the trouble and reproach of it, caused convey and deliver it to Mr. Secretary T——d, whom I take to be you, Sir. Nor did you think it enough to receive it (as may be your Place did oblige you) but you had the Indiscretion to entertain it with a great deal of Fondness, and to say, he was a Person might do you a great deal of Service. And as a Testimony both of your Esteem of the Fellow, for the good Qualities I have mentioned, and of your being engaged in a Design of murdering Men by the worst and most infamous Means and Instruments imaginable, you gave Order that he should

should not be prosecuted the Sessions following for his Felony. For to obstruct Justice, and to pervert it, are the usual Methods with you of Administring your Office. But Mr. *Freeman* having upon that Disappointment consulted with a Friend what he should do, being very desirous to recover his Money, he was advised to prosecute the Rascal the next Sessions that should ensue, and to complain in Court if the Law were not allowed its free course. Upon which, Sir, you began to think, that you should make a cheap Purchase of a Witness at the Price of 30 *l.* and a weekly Allowance ever since; and therefore you took care to have *Freeman* paid half his Money before that Sessions, and the other half within a little time after it. Nor can it be but from a malicious Design, that tho' this Fellow has not hitherto been prosecuted, nor likely to be by *Freeman*, yet you keep him still in *Newgate*. However in this, as in other Things, you do but dance in a Net; seeing we plainly discern you, notwithstanding your Cover. In brief, he is detained there not only as a Spy, but to acquire some umbrage of Credibility in what he is to be brought forth to swear against such there, as you have a mind to destroy. For tho' he be admitted into Conversation with none of the Prisoners of State; yet you hope that his walking in the *Press-yard* among them, may give some Reputation to what he shall perjuriously Depose. And that you may supply that defect of Evidence you laboured under when you sent several Gentlemen thither into Custody, by having one ready to swear that they are become guilty of Treason since they were in hold. Nor can I compare this Discovery of *Ashlock's*, after he was in *Newgate* in danger of being hanged, to any thing more properly than to the Detection which *Whitney* pretended to make of a Conspiracy for murdering King *William*; in hopes, after all his Crimes, and the Sentence of Death which he lay under, to have thereby escaped the Gallows. And I tremble to think how many and of what Quality, that Fellow offered to depose against; and with what Leachery his Information was entertained, till my Lord Chief Justice *Holt*, from a Horrour of the Villainy he saw projected by *Whitney*, and cherished by others, interposed with the Zeal, Justice and Courage, that are natural to him, and got him hanged. And thanks be to God, that how ill natured so ever some of them were, who then filled the chief Places of the Ministry, yet we knew nothing at that time of a *Powis-house Juncto*, nor of a Cabal instituted to form Treasons, and who sit brooding to shed innocent

Blood. But surely we might have expected, that after the ignominy which the Government fell under, for hearkning so far as they did to *Whitney* about Discovering of a Plot, we should not have heard of another Detection of a Conspiracy from Criminals and Malefactors in *Newgate*; but some Men when they cannot *flectere Superos*, they will *move Acheronta*; and apply to Hell for support, when they despair, and that very justly, of the farther favour of Heaven.

And Goals being the properest Places to yield agreeable Tools to the Exigences of the Government, and most fertile of those of a Virtue and Credit proportionable to the good Qualities of such as need and employ them, and all the Prisons of *England* not furnishing Rogues enough of a Character becoming Royal Evidencees, the Goals of other Nations have been searched and ransacked in order to the obtaining a Supply of Witnesses, fit to pass muster against *Jacobites* at the *Old Bailey*, and to be credited by *London Juries*. Of which I shall recount one Remarkable Instance; namely, That one *Bateman* and his Wife, having perpetrated Sacrilege, and Theft, by robbing a Church in *Flanders*, and being thereupon apprehended and committed to Prison, in order to be boiled to death according to the demerit of their Crime, they were rescued thence, and transformed from being the worst of Criminals there, to appear in the Quality, and make the Figure of good and legal Witnesses here. For these two Miscreants being sensible, that there was no way of escape for them, but by the Intercession of King *William*, and knowing how to recommend themselves to his favour, and to merit a Share in all the Interest he had in the Duke of *Bavaria*, took care to get him informed, what mighty Discoveries they were able and ready to make of a Plot here in *England* against his Person and Government: whereupon he immediately interposed with the Elector, for their Pardon; and ordered their being defrayed and conveyed hither, to pass as Witnesses against the Lives of those, whom *Aaron Smith* and others, should think fit to mark out to be murdered. And being consigned over to you, Sir, it is known with what fondness you received them, and how you committed them to *Cooke the Messenger*, to be preserved forth-coming as Royal Evidencees upon all Occasions; and in the Interim to be treated gently, and entertained with Civility and Friendship. But the Wretches having compassed their End, thought fit to frustrate and disappoint you and *Aaron* of yours. For finding an Opportunity of robbing *Cooke*, and his Wife, of Money and Goods.

Goods to a considerable Value, they made their Escape, to the Sorrow and Grief of some of you Ministers, that reckoned upon mighty Services from them.

So that having dispatched all that I intended at present upon this Subject, instead of a Compliment before we do now part, I will lay before you *Three short Remarks*, and all of them suggested to me by *Tacitus*; for to a Statesman, as you pretend to be, I will quote no other Author. The first is in Reference to King *William* who doth intrust and employ you, and who has thereby given matter of great Suspicion to the Kingdom, of his being of the Humour, and Genius both of a certain *Emperour*, and of one that was for a long time his chief Favourite. For as the *Emperour* in chusing his Ministers, and principal Officers of all Kinds, was careful, and made it the Master-piece of his Politicks, never to prefer Men of the most Vertue and Zeal for the Liberties of their Country: *Quia ex optimis periculum metuebat; Because he apprehended such would thwart him in his arbitrary Designs, and not be the ready Tools of his Craft and Tyranny*: So his Favourite was endowed even so long ago with those modern Qualities, That *ejus voluntas nunquam nisi scelere querebatur; No Man could acquire his Favour and Confidence but by being Villainous*. And let me tell you, Sir, That as the *Grand Signior* hath no better Instruments of his Dispoticalness, than a Renegado Christian turned Turk: So the fittest Tools a Prince can use that would enslave *England* and *Scotland*, are such of the *Whigs* as have neither Honour nor Probity. And that the *Whig* Faction is not barren in yielding enough of those Characters for all kind of Employs, is evident beyond Contradiction by the Practices of most of that Denomination, who have been advanced to Places since the Revolution. And among whom should any Prince that would be a Sultan look for *Musties* and *Bashaws*, but among those where *Oliver Cromwel* found his *Chaplains* and *Major Generals*. The Second is in order to instruct the People of *England* (if they have not out-lived their Wits, as well as their Loyalty and Estates) how to form a Character of your self, out of two Passages of the same Author; whereof the one is, That there were some, *Qui gaudebant cadibus, tanquam semet absolvent; Who took Pleasure in the Destruction and Murder of others, that they might thereby appear Loyal, which in truth they were not*. For when I call to mind the Aspersions which heretofore you used to throw upon the P. of O. in relation to the Murder of the *De Witts*; I can hardly forbear thinking, but that

that in order to your promoting a Republican Design, and the changing the Monarchy into a Commonwealth, you have concurred with others, that were always known unfriendly to Kingship, in the contriving and pursuing this Plot against the Lives of so many innocent Men in *England*, that you may the better infect the Minds of the People of these Nations, with an Opinion and Belief of his knowledge of the Assassinating those *Dutch* Gentlemen. And I do assure you, That the many Sham Plots since the Revolution for murdering even by Forms of Law those that are guiltless, do not only leave very undecent Impressions upon the Spirits of all that give themselves leave to think, in relation to the forementioned Massacre, but awaken strange Jealousies in them in reference to every Man's Safety that will not come into the Politicks of the Court. And when I reflect upon the barbarous Design of attempting to have procured not only all the Papists, but all those Protestants who were most remarkable and steady in their Loyalty to the King, to have been destroyed by the *Mob*, *An.* 1688, upon spreading and diffusing thro' the whole Nation in one Night, how the *Irish* were burning Houses and cutting Throats in all Quarters and Places of the Kingdom; I cannot avoid thinking, but that those Persons who were capable of being accessory to so frontless a Lye, and of giving countenance to a Contrivance that might have cost the Lives of so many Thousand Innocents, will be always ready and disposed to authorise, as well as encourage, either private and personal Assassinations, or more general and publick Murthers, by Forms of Law, whensoever they find the one or the other subservient to their Interest. Nor am I surpris'd to find the brainless and unthinking Univerſality of the Kingdom, disposed to believe and swallow all that hath been lately noised of a Plot against the Government; when I consider how forward they were to receive that hellish, impudent, and self-contradictious Lye, of a few disarmed, disbanded, frightened, and intimidated *Irish*, being firing and murdering in all Places. And the barbarous Massacre committed at *Glenco*, in the murdering a whole *Clan* of *Scotch* Highlanders, without regard to Age or Sex, in one Night, *An.* 1691, except a very few, to whom the Darknes of the Night, the Deepness of the Snow, and the Tempestuousness of the Weather, afforded means of escaping, the being brutally as well as inhumanely Slaughtered; and this perpetrated not only upon naked and unarmed

inarmed Men, but upon such as had both taken the Protection of the Government, and with whom their bloody Murderers had been conversing as Friends, and entertained by those poor Souls, void of Fear and Jealousy, with all the Frankness and Plenty that the kindest Guests could expect. I say, this barbarous Massacre shews what some Persons are capable of commanding, as well as of countenancing; and what others who serve this Government are ready, and have the Villany to execute. For as I have seen an authentick Copy of the Orders under a great Man's hand, requiring it to be done; so I have heard those that perpetrated the bloody Crime, justify the doing of it; upon their having the command of a great Man for it, whom they declared themselves resolved in all Things to obey, without respect to Religion Law, Justice, Honour or Humanity. But I advance to the other Passage afforded me by Tacitus, for the framing of your Character, which is this, *That Reperies qui ob similitudinem morum aliena facta sibi objectari putent, etiam gloria & virtus intensos habent, ut nimis ex propinquo diversa arguens*: There are some who having been often Traytors themselves, do therefore think that they can pay an Allegiance to none, unto whom such as have been of a different Party from them are not Disloyal; and that when they can find nothing else to hate Men for, they abhor them for their Virtue, Honour, and Probity, as reckoning their own Crimes detected and exposed by the Laudible Qualities which others are possessed of. And as I am, my self, obliged to the Author I have quoted, for lending me his Pensil and Colours to draw your Picture, tho' in little, yet so much to the Life; so I heartily wish it may serve to represent your *Interior* longer to Posterity, than any Piece Painted by the best Master, can your *External* Lineaments and Figure. There is yet a Third Remark suggested to me by Tacitus, which I convey to you by way of Advice, if you be capable of taking it; which is, *That Levi post admissum scelus gratia, dein graviore odio, quia malorum facinorum. Ministri quasi exprobrantes aspicuntur*. Tho' for a while you may be in Favour, for involving Innocent Men under the Guilt of a Plot, yet you will in a little time be the more detested, even by him whom you have been endeavoring to serve; it being natural to Princes to esteem themselves tacitly reproached, whensoever they look upon those, who either in Compliance with their Secret Desires, or in Obedience to their Publick Commands, have been their Instruments and Tools in Criminal and Villainous Things. To which I will subjoin one Word more of the same Author, speaking of Tiberius, *That tho' Scelerum Ministros*

*nistros perverti ab aliis nolebat, ita plerumque satiatus, & oblati
in eandem operam recentibus, veteres & prae graves adfixit.*

I kiss your Hand, and am,

Octob. 9. 1694.

S I R,

The most Faithful of all your Servants,

As being as much above Flattering as Fearing of you.

A. B.

A Short History of Standing Armies in England.

J. Trenchard.

— — — — — Captiv; dolis, donisq; coacti,
Quos neq; Tydides, nec Larissæus Achilles,
Non anni domuere decem, non mille Carine.

Virg. Æn. ii.

The P R E F A C E.

THERE is nothing in which the generality of Mankind are so much mistaken, as when they talk of Government. The different Effects of it are obvious to every one, but few can trace its Causes. Most men having indigested Ideas of the Nature of it, attribute all publick Miscarriages to the corruption of Mankind. They think the whole Mass is infected, that it's impossible to make any Reformation, and so submit patiently to their Countries Calamities, or else share in the Spoil: whereas Complaints of this kind are as old as the World, and every Age has thought their own the worst. We have not only our own Experience, but the Example of all Times, to prove that Men in the same Circumstances will do the same things, call them by what names of distinction you please. A Government is a mere piece of Clockwork; and having such Springs and Wheels, must act after such a manner: and therefore the Art is to constitute it so that it must move to the publick Advantage. It is certain that every Man will act for his own Interest; and all wise Governments are founded upon that Principle: So that this whole Mystery is only to make
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the Interest of the Governours and Governed the same. In an absolute Monarchy, where the whole Power is in one Man, his Interest will be only regarded: In an Aristocracy the Interest of a few; and in a free Government the Interest of every one. This would be the case of England, if some Abuses that have lately crept into our Constitution were remov'd. The freedom of this Kingdom depends upon the Peoples chusing the House of Commons, who are a part of the Legislature, and have the sole power of giving Money. Were this a true Representative, and free from external Force or private Bribery, nothing could pass there but what they thought was for the publick Advantage. For their own Interest is so interwoven with the Peoples, that if they act for themselves (which every one will do as near as he can) they must act for the common Interest of England. And if a few among them should find it their Interest to abuse their Power, it will be the Interest of all the rest to Punish them for it: and then our Government would act mechanically, and a Rogue will as naturally be hang'd, as a Clock strike twelve when the Hour is come. This is the Fountain-Head from whence the People expect all their Happiness, and the redress of their Grievances; and if we can preserve them free from Corruption, they will take care to keep every body else so. Our Constitution seems to have provided for it, by never suffering the King (till Charles the Second's Reign) to have a Mercenary Army to frighten them into a Compliance, nor Places or Revenues great enough to bribe them into it. The Places in the King's Gift were but few, and most of them Patent Places for Life, and the rest great Offices of State enjoy'd by single Persons, which seldom fell to the share of the Commons, such as the Lord Chancellor, Lord Treasurer, Privy-Seal, Lord High-Admiral, &c. and when these Offices were possess'd by the Lords, the Commons were severe Inquisitors into their Actions. Thus the Government of England continu'd from the time that the Romans quitted the Island, to the time of Charles the First, who was the first I have read of that made an Opposition to himself in the House of Commons the road to Preferment; of which the Earl of Strafford and Noy were the most remarkable Instances, who from great Patriots became the chief Assertors of Despotick Power. But this serv'd only to exasperate the rest; for he had not Places enough for all that expected them, nor Money enough to bribe them. 'Tis true, he rais'd great Sums of Money upon the People; but it being without Authority of Parliament, and having no Army to back him, it met with such Difficulties in the raising, that it did him little good, and ended at last in his ruin, tho' by the means of a long and miserable

rable War, which brought us from one Tyranny to another; for
 the Army had got all things into their Power, and govern'd
 the Nation by a Council of War, which made all Parties join
 in calling in Charles the Second: So that he came in with the
 general applause of the People, who in a kind fit gave him a
 vast Revenue for Life. By this he was enabled to raise an Ar-
 my, and bribe the Parliament, which he did to the purpose
 but being a luxurious Prince, he could not part with great
 Sums at once. He only fed them from hand to mouth: So that
 they found it as necessary to keep him in a constant Dependence
 upon them, as they had upon him. They knew he would give
 them ready Money no longer than he had absolute necessity for
 them, and he had not Places enough in his disposal to secure a
 Majority in the House: for in those early days the art was
 not found out of splitting and multiplying Places; as instead
 of a Lord Tr——r to have Five Lords of the Tr——ry;
 instead of a Lord Ad——l to have Seven Lords of the Ad——ty;
 to have Seven Commissioners of the C——ms, Nine of the
 Ex——ze, Fourteen of the N——vy Office, Ten of the St——mp
 Office, Eight of the Pr——ze Office, Sixteen of the Commissioners
 of Tr——de, Two of the P——st Office, Four of the Transports,
 Four for Hackney Coaches, Four for Wine-Licenses, Four for
 the Victualling Office, and multitudes of other Offices which are
 endless to enumerate. I believe the Gentlemen who have the
 good Fortune to be in some of these Employments, will think I
 complement them, if I should say they have not been better exe-
 cuted since they were in so many hands, than when in fewer:
 and I must confess, I see no reason why they may not be made
 twice as many, and so ad infinitum, unless the number be as-
 certain'd by Parliament: and what danger this may be to our
 Constitution, I think of with Horror. For if in Ages to come
 they should be all given to Parliament Men, what will become
 of our so much boasted Liberty? what shall be done when the
 Criminal becomes the Judge, and the Malefactors are left to try
 themselves? We may be sure their common danger will unite
 them, and they will all stand by one another. I do not speak this
 by guess; for I have read of a Country where there was a con-
 stant Series of mismanagement for many Years together, and
 yet no body was punish'd: and even in our own Country I be-
 lieve, some Men now alive can remember the time, when if the
 then King had but twenty more Places in his disposal, or disposed
 of those he had to the best advantage, the Liberty of England
 had been at an end. I would not be understood quite to exclude
 Parliament-men from having Places; for a Man may serve
 his

his Country in two Capacities: but I would not have it to be a Qualification for a place; because a poor Borough thinks a Man fit to represent them, that therefore he must be a Statesman, a Lawyer, a Souldier, an Admiral, and what not? If this method should be taken in a future Reign, the People must not expect to see Men of Ability or Integrity in any Places, while they hold them by no other tenure than the disservice they do their Country in the House of Commons, and are sure to be turned out upon every prevalent Faction on the other side. They must then never expect to see the House of Commons act vigorously for the Interest either of King or People; but some will servilely comply with the Court to keep their Places, others will oppose it as unreasonably to get them: and those Gentlemen whose designs are for their Countries Interest, will grow weary of the best form of Government in the World, thinking by mistake the fault is in our Constitution. I have heard of a Country, where the Disputes about Offices to the value of thirty thousand Pounds per Annum, have made six Millions ineffectual; what by some Mens prostitute compliance, and others openly clogging the Wheels, it has caus'd Want and Necessity in all kinds of Men, Bribery, Treachery, Profaneness, Atheism, Prodigality, Luxury, and all the Vices that attend a remiss and corrupt Administration, and an universal neglect of the Publick. It is natural to run from one extreme to another; and this Policy will at last turn upon any Court that uses it: for if they should be resolv'd to give all Offices to Parliament-Men, the People will think themselves under a necessity to obtain a Law that they shall give none, which has been more than once attempted in our own time. Indeed, tho' there may be no great inconvenience in suffering a few Men that have Places to be in that House, such as come in naturally without any indirect Means, yet it will be fatal to us to have many: for all wise Governments endeavour as much as possible to keep the Legislative and Executive Parts asunder, that they may be a check upon one another. Our Government trusts the King with no part of the Legislative but a Negative Voice, which is absolutely necessary to preserve the Executive. One part of the Duty of the House of Commons is to punish Offenders, and redress the Grievances occasion'd by the Executive part of the Government; and how can that be done if they should happen to be the same Persons, unless they would be publick spirited enough to hang or drown themselves?

But in my opinion, in another thing of no less importance, we deviated in Charles the Second's time from our Constitution: for tho' we were in a Capacity of punishing Offenders,

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yet we did not know legally who they were. The Law has bin always very tender of the Person of the King, and therefore has dispos'd the Executive part of the Government in such proper Channels, that whatsoever lesser Excesses are committed, they are not imputed to him, but his Ministers are accountable for them: his Great Seal is kept by his Chancellor, his Revenue by his Treasurer, his Laws are executed by his Judges, his Fleet is manag'd by his Lord High Admiral, who are all accountable for their Misbehavior. Formerly all matters of State and Discretion were debated and resolv'd in the Privy Council, where every Man subscrib'd his Opinion, and was answerable for it. The late King Charles was the first who broke this most excellent part of our Constitution, by settling a Cabal or Cabinet Council, where all matters of Consequence were debated and resolv'd, and then brought to the Privy Council to be confirmed. The first footsteps we have of this Council in any European Government were in Charles the Ninth's time of France, when resolving to massacre the Protestants, he durst not trust his Council with it, but chose a few Men whom he call'd his Cabinet Council: and considering what a Genealogy it had, 'tis no wonder it has bin so fatal both to King and People. To the King: for whereas our Constitution has provided Ministers in the several parts of the Government to answer for Miscarriages, and to skreen him from the hatred of the People; this on the contrary protects the Ministers, and exposes the King to all the Complaints of his Subjects. And 'tis as dangerous to the People: for whatever Miscarriages there are; no Body can be punish'd for them; for they justify themselves by a Sign Manual, or perhaps a private Direction from the King: and then we have run it so far, that we can't follow it. The consequence of this must be continual Heartburnings between King and People; and no one can see the Event.

London, 1698.

A Short HISTORY, &c.

IF any Man doubts whether a Standing Army is Slavery, Popery, Mahometism, Paganism, Atheism, or any thing which they please, let him read,
First, The Story of *Mattho* and *Spendius* at *Carthage*, and the *Mamelukes* of *Egypt*.

Secondly,

Secondly, The History of *Strada* and *Bontivolio*, where he will find what work nine thousand *Spaniards* made in the 17 *Provinces*, tho' the Country was full of fortified Towns, possessed by the Low Country Lords, and they had assistance from *Germany*, *England* and *France*.

Thirdly, The History of *Philip de Commines*, where he will find that *Lewis* the 11th enslaved the vast Country of *France* with 25000 Men, and that the raising 500 Horse by *Philip* of *Burgundy* furnished the Good, was the ruin of those Provinces.

Fourthly, *Ludlow's Memoirs*, where he will find that an Army raised to defend our Liberties, made footballs of that Parliament, at whose Actions all *Europe* stood amazed, and in a few Years set up ten several sorts of Government contrary to the Genius of the whole Nation, and the opinion of half their own Body: such is the influence of a General over an Army, that he can make them act like a piece of Mechanism, whatever their private Opinions are.

Lastly, Let him read the *Arguments against a Standing Army*, the *Discourse concerning Militias*, the *Militia Reform'd*, and the Answers to them: but lest all this should not satisfy him, I will here give a short History of Standing Armies in *England*, I will trace this mystery of Iniquity from the beginning, and show the several steps by which it has crept upon us.

The first footsteps I find of a Standing Army in *England* since the *Romans* left the Island, were in *Richard* the 2^d's time, who raised four thousand Archers in *Cheshire*, and suffered them to plunder, live upon free Quarter, beat, wound, ravish and kill wherever they went; and afterwards he called a Parliament, encompassed them with his Archers, forced them to give up the whole Power of Parliaments, and make it Treason to endeavour to repeal any of the Arbitrary Constitutions that were then made: but being afterwards obliged to go to *Ireland* to suppress a Rebellion there, the People took advantage of it, and dethron'd him.

The Nation had such a Specimen in this Reign of a Standing Army, that I don't find any King from him to *Charles* the 1st, that attempted keeping up any Forces in time of Peace, except the Yeomen of the Guard, who were constituted by *Henry* the 3rd: and tho' there were several Armies raised in that time for *French*, *Scotch*, *Irish*, other foren and domestic Wars; yet they were constantly disbanded as soon as the occasion was over. And in all the Wars of *York* and *Lancaster*, whatever party prevail'd, we don't find they ever attempted to keep up a Standing Army.

Such was the virtue of those times, that they would rather run the hazard of forfeiting their Heads and Estates to the rage of the opposit Party, than certainly inflave their Country, tho' they themselves were to be the Tyrants.

Nor would they suffer our Kings to keep up an Army in *Ireland*, tho' there were frequent Rebellions there, and by that means their Subjection very precarious; as well knowing they would be in *England* when called for. In the first three hundred Years that the *English* had possession of that Country, there were no Armies there but in times of War. The first Force that was establish'd was in the 14th of *Edward* the fourth, when 120 Archers on Horseback, 40 Horsemen, and 40 Pages were establish'd by Parliament there; which six Years after were reduc'd to 80 Archers, and 20 Spearmen on Horseback. Afterwards in *Henry* the Eighth's time, in the Year 1535, the Army in *Ireland* was 300 and in 1543, they were increased to 380 Horse and 160 Foot, which was the Establishment then. I speak this of times of Peace: for when the *Irish* were in Rebellion, which was very frequent, the Armies were much more considerable. In *Queen Mary's* time the Standing Forces were about 1200. In most of *Queen Elizabeth's* Reign the *Irish* were in open Rebellion; but when they were all suppress'd, the Army establish'd was between 1500 and 2000: about which number they continued till the Army rais'd by *Strafford* the 15th of *Charles* the 1st.

In the Year 1602 dy'd *Queen Elizabeth*, and with her all the Virtue of the *Plantagenets*, and the *Tudors*. She made the *English* Glory sound thro' the whole Earth: She first taught her Country the advantages of Trade; set bounds to the Ambition of *France* and *Spain*; assisted the *Dutch*, but would neither permit them or *France* to build any great Ships; kept the Keys of the Rivers *Maes* and *Scheld* in her own hands; and died with an uncontrol'd Dominion of the Seas, and Arbitress of Christendom. All this she did with a Revenue not exceeding 300000 pounds per Annum; and had but inconsiderable Taxes from her People.

No sooner was *King James* come to the Crown, but all the Reputation we had acquir'd in her glorious Reign was eclips'd, and we became the scorn of all Nations about us, contemned even by that State we had created, who insulted us at Sea, seiz'd *Amboyna*, *Poleeroon*, *Seran*, and other Places in the *East-Indies*, by which they ingross'd that most profitable Trade of Spices; seiz'd upon our Coasts without paying the customary Tribute, and at the same time prevail'd with the King to deliver up the Cautionary Towns of *Brill*, *Ramekins*, and *Flushing*, for a very small

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Consideration, tho' there were near six Millions Arrears. He squandered the publick Treasure, discountenanc'd all the great Men who were rais'd in the glorious Reign of his Predecessor, cut off Sir *Walter Raleigh's* Head, advanc'd Favorites of his own, Men of no Merit, to the highest Preferment; and to maintain their Profusenels, he granted them Monopolies, infinit Projects, prostituted Honours for Money, rais'd Benevolences and Loans without Authority of Parliament. And when these Grievances were complain'd of there, he committed many of the principal Members without Bail or Mainprise, as he did afterwards for presuming to address him against the *Spanissh* Match. He pardon'd the Earl of *Somerfet* and his Wife for Sir *Thomas Overbury's* Murder, after he had imprecated all the Curses of Heaven upon himself and his Posterity; and it was generally thought, because the Earl was Accessary to the poisoning Prince *Henry*. He permitted his Son-in-law to be ejected out of his Principalities, and the Protestant Interest to be run down in *Germany* and *France*, while he was bubbled nine Years together with the hopes of the *Spanissh* Match, and a great Fortune. Afterwards he made a dishonourable Treaty of Marriage with *France*, giving the Papists Liberty of Conscience: and indeed, as he often declared, he was no otherwise an Enemy to Popery, than for their deposing of Kings, and King-killing Doctrin. In *Ireland* he gave them all the Incouragement he durst; which Policy has bin follow'd by all his Successors since to this present Reign, and has serv'd 'em to two purposes: One is, by this they have had a pretence to keep up Standing Armies there to aw the Natives; and the other, that they might make use of the Natives against their English Subjects. In this Reign that ridiculous Doctrin of Kings being *Jure Divino* was coin'd, never before heard of even in the Eastern Tyrannies. The other parts of his Government had such a mixture of *Scharamuchi* and *Harlequin*, that they ought not to be spoken of seriously, as Proclamations upon every Trifle, some against talking of News; Letters to the Parliament, telling them he was an old and wise King; that State Affairs were above their reach, and therefore they must not meddle with them, and such like Trumpery. But our happiness was, that this Prince was a great Coward, and hated the sight of a Soldier; so that he could not do much against us by open force. At last he died (as many have believed) by Poison, to make room for his Son *Charles* the First.

This King was a great Bigot, which made him the Darling of the Clergy; but having no great reach of his own, and being

govern'd by the Priests (who have bin always unfortunate when they have medled with Politicks) with a true Ecclesiastick Fury he drove on to the destruction of all the Liberties of *England*. This King's whole Reign was one continued Act against the Laws. He dissolv'd his first Parliament for presuming to inquire into his Father's Death, tho' he lost a great Sum of Mony by it, which they had voted him: He entred at the same time into a War with *France* and *Spain*, upon the private Piques of *Buckingham*, who managed them to the eternal Dishonour and Reproach of the English Nation; witness the ridiculous Enterprizes upon *Cadix* and the Isle of *Rhee*. He deliver'd *Pennington's* Fleet into the *French* hands, betray'd the poor *Rochellers*, and suffered the Protestant Interest in *France* to be quite extirpated. He rais'd Loans, Excises, Coat and Conduct-mony, Tunnage and Poundage, Knight-hood and Ship-mony, without Authority of Parliament; impos'd new Oaths on the Subjects, to discover the value of their Estates; imprisoned great numbers of the most considerable Gentry and Merchants for not paying his Arbitrary Taxes; some he sent beyond Sea, and the poorer sort he prest for Souldiers. He kept Souldiers upon free Quarter, and executed Martial Law upon them. He granted Monopolies without number, and broke the bounds of the Forests. He erected Arbitrary Courts, and enlarg'd others, as the High Commission-Court, the Star-Chamber, Court of Honour, Court of Requests, &c. and unspeakable Oppressions were committed in them, even to Men of the first Quality. He commanded the Earl of *Bristol* and Bishop of *Lincoln* not to come to Parliament; committed and prosecuted a great many of the most eminent Members of the House of Commons for what they did there, some for no cause at all, and would not let them have the benefit of *Habeas Corpus*; suspended and confin'd Arch-Bishop *Abbot*, because he would not license a Sermon that asserted Despotick Power, whatever other cause was pretended. He suspended the Bishop of *Glocester*, for refusing to swear never to consent to alter the Government of the Church; supported all his Arbitrary Ministers against the Parliament, telling them he wondred at the foolish Impudence of any one to think he would part with the meanest of his Servants upon their account: and indeed in his Speeches, or rather Menaces, he treated them like his Footmen, calling them Undutiful, Seditious, and Vipers. He brought unheard of Innovations into the Church; preferred Men of Arbitrary Principles, and inclinable to Popery, especially those Firebrands, *Laud*, *Mountague*, and *Manwaring*, one of whom had been complain'd of in Parliament, another impeach'd for advancing Popery, and the third condemn'd in the House

House of Lords. He dispensed with the Laws against Papists, and both encourag'd and prefer'd them. He called no Parliament for twelve years together, and in that time govern'd as arbitrarily as the Grand Seigneur. He abett'd the *Bish* Massacre, as appears by their producing a Commission under the Great Seal of *Scotland*, by the Letter of *Charles* the 2^d in favour of the Marquess of *Antrim*, by his stopping the Succours that the Parliament sent to reduce *Ireland* six months under the Walls of *Chester*, by his entering into a Treaty with the Rebels after he had engaged his Faith to the Parliament to the contrary, and bringing over many thousands of them to fight against his People. It is endless to enumerate all the Oppressions of his Reign; but having no Army to support him, his Tyranny was precarious, and at last his ruin. Tho' he extorted great Sums from the People, yet it was with so much difficulty, that it did him little good. Besides, he spent so much in foolish Wars and Expeditions, that he was always behind-hand; yet he often attempted to raise an Army.

Upon pretence of the *Spanish* and *French* War he rais'd many thousand Men, who liv'd upon free Quarter, and rob'd and destroy'd wherever they came. But being unsuccessful in his Wars abroad, and press'd by the Clamors of the People at home, he was forc'd to disband them. In 1627 he sent over 30000 *l.* to *Holland* to raise 3000 *German* Horse, to force his arbitrary Taxes; but this matter taking wind, and being examin'd by the Parliament, Orders were sent to countermand them. In the 15th year of his Reign he gave a Commission to *Strafford* to raise 8000 *Irish* to be brought into *England*: but before they could get hither, the *Scots* were in Arms for the like Oppressions, and marched into *Northumberland*, which forcing him to call a Parliament, prevented that design, and so that Army was disbanded. Soon after he rais'd an Army in *England* to oppose the *Scots*, and tamper'd with them to march to *London*, and dissolve the Parliament: but this Army being compos'd for the most part of the Militia, and the matter being communicated to the House, who immediately fell on the Officers that were Members, as *Ashburnham*, *Wilmot*, *Pollard*, &c. the design came to nothing. After this there was a Pacification between the King and the *Scots*; and in pursuance of it both Armies were disbanded. Then he went to *Scotland*, and endeavor'd to prevail with them to invade *England*, but that not doing, he sent a message to the Parliament, desiring their concurrence in the raising 3000 *Irish* to be lent to the King of *Spain*; to which the Parliament refused to consent, believing he would make another use of them. When he came back to *London*, he

pick'd out 3 or 400 dissolute Fellows out of Taverns, gaming and brothel-Houses, kept a Table for them ; and with this goodly Guard all arm'd, he entred the House of Commons, sat down in the Speaker's Chair, demanding the delivery of 5 Members : But the Citizens coming down by Land and Water with Musqueters upon their Shoulders to defend the Parliament, he attempted no further. This so inrag'd the House, that they chose a Guard to defend themselves against future Insults, and the King soon after left *London*. Some time before this began the *Irish* Rebellion, where the *Irish* pretended the King's Authority, and shew'd the Great Seal to justify themselves ; which, whether true or false, rais'd such a jealousy in the People, that he was forced to consent to leave the management of that War to the Parliament : yet he afterwards sent a Message to them, telling them he would go to *Ireland* in Person ; and acquainted them, that he had issued out Commissions for raising 2000 Foot and 200 Horse in *Cheeshire* for his Guard, which they protested against, and prevented it. By this we may see what Force was thought sufficient in his Reign to enslave the Nation, and the frequent Attempts to get it.

Then the Civil Wars broke out between him and his People, in which many bloody Battels were fought ; two of the most considerable were those of *Newbury* and *Naseby*, both won by new Soldiers, the first by the *London* Militia, and the latter by an unexperienc'd Army, which the King used to call in derision the *New Nodel*. And some years after, the Battel of *Worcester* was in a great measure won by the Country Militia, for which *Cromwel* discharged them with anger and contempt, as knowing them Instruments unfit to promote his Tyrannical Designs. At last by the fate of the War the King became a Prisoner, and the Parliament treated with him while in that condition, and at the same time voted that some part of the Army should be disbanded, and others sent to *Ireland* to reduce that Kingdom ; upon which the Army chose Agitators among themselves, who presented a Petition to both Houses, that they would proceed to settle the Affairs of the Kingdom, and declare that no part of the Army should be disbanded till that was done. But finding their Petition resented, they sent and seiz'd the King's Person from the Parliaments Commissioners, drew up a Charge of High Treason against eleven principal Members for endeavouring to disband the Army, entred into a privat Treaty with the King : but he not complying with their demands, they seized *London* ; and notwithstanding the Parliament had voted the King's Concessions a ground for a future Settlement, they resolved to put him to Death, and in order thereto purged the House, as they called it, that is, placed

Guards

Guards upon them, and excluded all Members that were for agreeing with the King; and then they cut off his Head.

After this they let the Parliament govern for five years, who made their Name famous thro' the whole Earth, conquered their Enemies in *England*, *Scotland* and *Ireland*; reduced the Kingdom of *Portugal* to their own Terms; recovered our Reputation at Sea; overcame the *Dutch* in several famous Battels; secured our Trade, and managed the publick Expences with so much frugality, that no Estates were gained by private Men upon the publick Miseries; and at last were passing an Act for their own Dissolution, and settling the Nation in a free and impartial Commonwealth; of which the Army being afraid, thought it necessary to dissolve them, and accordingly *Cromwel* next day called two Files of Musqueteers into the House, and pulled the Speaker out of the Chair, behaving himself like a Madman, vilifying the Members, and calling one a Whoremaster, another a Drunkard, bidding the Souldiers take away that fools bauble the Mace; and so good night to the Parliament.

When they had done this Act of violence, the Council of Officers set up a new form of Government, and chose a certain number of Persons out of every County and City of *England*, *Scotland* and *Ireland*: and these they invested with the Supreme Power, but soon after expelled them, and then *Cromwel* set up himself, and framed a new Instrument of Government by a Protector and a House of Commons, in pursuance of which he called a Parliament. But they not answering his Expectations, he excluded all that would not subscribe his Instrument; and those that remained, not proving for his purpose neither, he dissolved them with a great deal of opprobrious Language. He then divided *England* into several Districts or Divisions, and placed Major Generals or Intendents over them, who governed like so many Bashaws, decimating the Cavaliers, and raising Taxes at their pleasure. Then forsooth he had a mind to make himself King, and called another Parliament to that purpose, after his usual manner secluding such Members as he did not like. To this Assembly he offered another Instrument of Government, which was by a Representative of the People, a 2d House composed of 70 Members in the Nature of a House of Lords, and a single Person; and left a Blank for what name he should be called, which this worthy Assembly filled up with that of King, addressed to *Cromwel* that he would be pleased to accept it, and gave him power to nominate the Members of the Other House. This the great Officers of the Army resented, for it destroyed all their hopes of being Tyrants in their turn, and

therefore address'd the Parliament against the Power and Government of a King, which made *Cromwel* decline that Title, and content himself with a greater Power under the name of Protector. Afterwards he nam'd the *Other House*, as it was called, for the most part out of the Officers of the Army; but even this Parliament not pleasing him, he dissolv'd them in a fury, and govern'd the Nation without any Parliament at all till he died.

After his death the Army set up his Son *Richard*, who called a new Parliament; but their proceedings being not agreeable to the humour of the Soldiery, they forced the Protector to dissolve them: then they depos'd him and took the power into their own hands; but being unable to wield it, they restored the Commonwealth, and soon after expelled them again, because they would not settle the Military Sword independent of the Civil: then they govern'd the Nation by a Council of War at *Wallingford-House*, and chose a Committee of Safety for the executive part of the Government; but that Whim lasted but a little time before they chose Conservators of Liberty; and that not doing neither, they agreed that every Regiment should choose two Representatives, and this worthy Council should settle the Nation; when they met, sometimes they were for calling a new Parliament, sometimes for restoring the old, which was at last don. By this means all things fell into Confusion, which gave *Monk* an opportunity of marching into *England*, where he acted his part so dexterously, that he restor'd the King with part of that Army which had cut off his Father's Head.

This is a true and lively Example of a Government with an Army; an Army that was rais'd in the cause, and for the sake of Liberty; compos'd for the most part of Men of Religion and Sobriety. If this Army could commit such violences upon a Parliament always successful, that had acquired so much Reputation both at home and abroad, at a time when the whole People were trained in Arms, and the Pulse of the Nation beat high for Liberty; what are we to expect if in a future Age an ambitious Prince should arise with a dissolute and debauched Army, a flattering Clergy, a prostitute Ministry, a Bankrupt House of Lords, a Pensioner House of Commons, and a slavish and corrupted Nation?

By this means came in *Charles the Second*, a luxurious effeminate Prince, a deep Disssembler, and if not a Papist himself, yet a great favourer of them: but the People had suffered so much from the Army, that he was received with the utmost

Joy

Joy and Transport. The Parliament in the Honymoon passed what Laws he pleased, gave a vast Revenue for life, being three times as much as any of his Predecessors ever enjoyed, and several Millions besides to be spent in his Pleasures. This made him conceive vaster hopes of Arbitrary Power than any that went before him; and in order to it he debauched and enervated the whole Kingdom: His Court was a scene of Adulteries, Drunkenness, and Irreligion, appearing more like Stews, or the Feasts of *Bacchus*, than the Family of a Chief Magistrate: and, in a little time the Contagion spread thro' the whole Nation, that it was out of the fashion not to be lewd, and scandalous not to be a publick Enemy: which has bin the occasion of all the Miseries that have since happened, and I am afraid will not be extinguished but by our ruin. He was no sooner warm in his Seat, but he rejected an advantageous Treaty of Commerce which *Oliver* made with *France*, as don by an Usurper; suffer'd the *French* to lay Impositions upon all our Goods, which amounted to a Prohibition, insomuch that they got a Million a year from us in the overbalance of Trade. He sold that important Fortres of *Dunkirk*, let the *French* seize *St. Christophers* and other places in *North America*.

He began a foolish and unjust War with the *Dutch*; and tho' the Parliament gave him vast Sums to maintain it, yet he spent so much upon his Vices, that they got great advantages of us, and burnt our Fleet at *Chatham*. At last he made as dishonourable a Peace with them, as he had don a War; a perpetual reproach to our Country, that our Reputation at Sea should be sunk to so low an eb as to be baffled by that Nation, who but a few years before had sent a blank Paper to the Parliament, to prescribe to them what Laws they pleased. During this War the City of *London* was fired, not without violent suspicions that the Firebals were prepared at *Whitehall*. Soon after this he entred into the Triple Alliance to oppose the growing greatness of *France*, and received a great Sum from the Parliament to maintain it, which he made use of to break the same League; sent Mr. *Cowentry* to *Sweden* to dissolve it; and entred into a strict Alliance with *France*, which was sealed with his Sister's blood. In conjunction with them he made a new War upon *Holland*, to extirpat Liberty and the Protestant Religion; but knowing the Parliament were averse to the War, and would not support him in it, he attempted before any War declared to seize their *Smirna* Fleet, shut up the Exchequer, and became so mean as to be a Pensioner to *France*, from whence his Predecessors with Swords in their hands had so often exacted Tribute. He not only suffered, but
assisted

assisted them to arrive at that pitch of Greatness, which all *Europe* since hath sufficiently felt and lamented. He sent over ten thousand Men to assist in subduing *Flanders* and *Germany*, by whose help they did several considerable Actions. He sent them Timber, Seamen, Ship-Carpenters, and Models, contrary to the Policy of all Nations; which rais'd their Naval Force to a degree almost equal to our own: and for their exercise he suffered them to take multitudes of *English* Ships by their Privateers, without so much as demanding satisfaction.

During this War he issued out a Declaration suspending the Penal Laws, which appears to be designed in favour of the Papists, by his directing a Bill afterwards to be stolen away out of the House of Lords, for indulging Protestant Dissenters whom he persecuted violently most of his Reign, while he both countenanced and preferred Papists, broke the Act of Settlement in *Ireland*, restored them to their Estates, issued forth a Proclamation giving the Papists liberty to inhabit in Corporations, and married the Duke of *York* not only to a Papist; but one in the *French* Interest, notwithstanding the repeated Addresses of the Parliament to the contrary. It was in this Reign that that cursed and detestable Policy was much improved of bribing Parliaments, by distributing all the great Employments in *England* among them, and supplying the want of places with Grants of Lands and Money. No Man could be preferred to any Employment in Church or State, till he had declared himself an open Enemy to our Constitution, by asserting Despotic Power under that nonsensical Phrase of *Passive Obedience*, which was more preach'd up than all the Laws of God and Man. The Hellish Popish Plot was stifled, proved since too true by fatal experience; and in the room of it Protestant ones were forged, and Men trapped into others, as the Meal-Tub, *Fitz-Harris's*, the *Reynolds's*, *Newmarket*, and *Black-Heath* Plots: and by these Pretences, and the help of packt Judges and Juries, they butchered some of the best Men in *England*, set immoderate Fines upon others, gave probable suspicion of cutting the Lord *Essex's* Throat: and to finish our destruction, they took away the Charters, as fast as they were able, of all the Corporations in *England*, that would not choose the Members prescribed them.

But he durst not have dreamt of all these Violations, if he had not had an Army to justify them. He had thoughts at first of keeping up the Parliament-Army, which was several times in debate. But Chancellor *Hyde* prevailed upon him by this Argument, that they were a body of Men that had cut off his Father's Head; that they had set up and pulled down ten several sorts

ports of Government; and that it might be his own turn next. So that his fears prevailing over his ambition, he consented to disband them; but soon found how vain and abortive a thing Arbitrary Power would prove without an Army. He therefore try'd all ways to get one; and first he attempted it in *Scotland*, and by means of the Duke of *Lauderdale*, got an Act pass'd there, whereby the Kingdom of *Scotland* was obliged to raise 20000 Foot and 2000 Horse at his Majesty's Call, to march into any part of his Dominions; and this Law is in being at this day. Much about the same time he rais'd Guards in *England* (a thing unheard of before in our *English* Constitution) and by degrees increas'd them, till they became a formidable Army; for first they were but very few, but by adding insensibly more Men to Troop or Company, and then more Troops and Companies to Regiment, before the second *Dutch* War he had multiplied them to near 5000 Men. He then began that War in conjunction with *France*, and the Parliament gave him two Millions and half to maintain it, with part of which Money he rais'd about 2000 Men, which were called the *Black-Heath Army* (appointing Marshal *Shomberg* to be their General, and *Fitz Gerald* an *Irish* Papist their Lieutenant-General) and pretended he rais'd them to attack *Holland*; but instead of using them to that purpose, he kept them encamped upon *Black-Heath*, hovering over the City of *London*, which put both the Parliament and City in such confusion, that the King was forced at last to disband them. But there were several accidents contributed to it: First the ill success he had in the War with the *Dutch*, such Gallantries being not to be attempted but in the highest Raptures of Fortune: Next, the never to be forgotten Generosity of that great Man General *Shomberg*, whose mighty Genius scorn'd so ignoble an Action as to put Chains upon a free People; and last of all, the Army themselves mutin'd for want of Pay: which added to the ill Humours that were then in the Nation, made the King willing to disband them. But at the same time, contrary to the Articles of Peace with the *Dutch*, he continu'd ten thousand Men in the *French* Service, for the most part under Popish Officers, to be season'd there in slavish Principles, that they might be ready to execute any Commands when they were sent for over. The Parliament never met, but they address'd the King to recal these Forces out of *France*, and disband them; and several times prepar'd Bills to that purpose, which the King always prevented by a Prorogation; but at last was prevail'd upon to issue forth a Proclamation to recal them, yet at the same time supply'd them with Recruits, encourag'd some

to go voluntarily into that Service, and press'd, imprison'd and carry'd over others by main Force: besides, he only disbanded the new rais'd Regiments, and not all them neither for he kept up in *England* five thousand eight hundred and ninety privat Men, besides Officers, which was his Establishment in 1673.

The King having two great designs to carry on together, viz Popery and Arbitrary Power, thought this Force not enough to do his Business effectually; and therefore cast about how to get a new Army, and took the most plausible way, which was pretending to enter into a War with *France*; and to that purpose sent Mr. *Thyn* to *Holland*, who made a strict League with the States: and immediately upon it the King call'd the Parliament, who gave him 1200000 Pound to enter into an actual War with which Money he rais'd an Army of between twenty and thirty thousand Men within less than forty Days, and sent part of them to *Flanders*. At the same time he continued his Forces in *France*, and took a Sum of Money from that King to assist him in making a privat peace with *Holland*: So that instead of a War with *France*, the Parliament had given a great Sum to raise an Army to enslave themselves. But it happen'd about this time that the Popish Plot broke out, which put the Nation into such a Ferment, that there was no stemming the Tide; so that he was forc'd to call the Parliament, which met the 23d of *October* 78, who immediately fell upon the Popish Plot and the Land Army. Besides, there were discover'd 57 Commissions granted to Papists to raise Men, countersigned *J. Willson*, for which, and saying that the King might keep Guards if he could pay them, he was committed to the Tower. This so inrag'd the Parliament, that they immediately proceeded to the disbanding of the Army, and pass'd an Act that all rais'd since the 29th of *September* 77 should be disbanded, and gave the King 693388 pounds to pay off their Arrears, which he made use of to keep them up, and dissolv'd the Parliament; but soon after called another, which pursu'd the same Counsels, and pass'd a second Act to disband the Army, gave a new Sum for doing it, directed it to be paid into the Chamber of *London*, appointed Commissioners of their own, and pass'd a Vote, That the continuance of any Standing Forces in this Nation other than the Militia, was illegal, and a great Grievance and Vexation to the People; so that Army was disbanded. Besides this, they complain'd of the Forces that were in *France*, and address'd the King again to recall them, which had some Effect; for he sent over no more Recruits, but suffer'd them to wear out by degrees. The Establishment

ishment upon the Dissolution of this Army, which was in the Year 1679, were 5650 private Soldiers, besides Officers. From this time he never agreed with his People, but dissolved three Parliaments following for inquiring into the Popish Plot; and the three last Years of his Reign call'd none at all. And to crown the Work, *Tangier* is demolish'd, and the *Garison* brought in, and plac'd in the most considerable Ports in *England*; which made the Establishment in 84 842 private Men, besides Officers. It's observable in this King's Reign, that there was at one Sessions but his Guards were attack'd, and never could get the least Countenance from Parliament; but to be even with them, the Court as much discountenanc'd the Militia, and never could suffer it to be made useful. Thus we see the King husbanded a few Guards so well, that in a small number of Years they grew to a formidable Army, notwithstanding all the endeavours of the Parliament to the contrary; so difficult it is to prevent the growing of an Evil, that does not receive a check in the beginning.

He increas'd the Establishment in *Ireland* to 7700 Men, Officers included: whereas they never exceeded in any former Reign 600, when there was more occasion for them: the *Irish* not long before having been intirely reduced by *Cromwel*, and could never have held up their Heads again without his Countenance. At the truth of it was, his Army was to support the *Irish*, and the fear of the *Irish* was to support his Army.

Towards the latter end of this King's Reign the Nation had intirely lost all sense of Liberty, that they grew fond of their Chains; and if his Brother would have suffer'd him to have liv'd longer, or had followed his Example, by this time we had been great Slaves as in *France*. But it was God's great Mercy to us that he was made in another Mould, Imperious, Obstinate, and bigot, push'd on by the Counsels of *France* and *Rome*, and the violence of his own Nature; so that he quickly run himself out of breath. As soon as he came to the Crown, he seiz'd the Customs and Excise without the Authority of Parliament: pick'd out the Scum and Scandals of the Law to make examples upon the Bench; and turn'd out all that would not sacrifice their Oaths to his Ambition, by which he discharg'd the Lords out of the *Tower*, inflict'd those barbarous Punishments on Dr. *Oates*, Mr. *Johnson*, &c. butcher'd many hundreds of Men in the *West* after they had been trapan'd into a Condemnation by promise of Pardon, murder'd *Cornish*, got the the Dissolving Power to be declar'd in *Westminster-Hall*, turn'd the Towns of *Magdalen-College* out of their Freeholds to make

make way for a Seminary of Priests, and hang'd Soldiers for running away from their Colours. He erected the Ecclesiastical Commission, suspended the Bishop of *London*, because he would not inflict the same Punishment upon Dr. *Sharp* for preaching against Popery. He closeted the Nobility and Gentry, turn'd all out of Employment that would not promise to repeal the Test; put in Popish Privy-Counsellors, Judges, Deputy Lieutenants, and Justices of Peace; and to get all this confirm'd by the shew of Parliament, he prosecuted the Work his Brother had begun in taking away Charters, and new model'd the Corporations by a sort of Vermin call'd Regulators. He receiv'd a Nuntio from *Rome*, and sent an Ambassador thither. He erected a Popish Seminary at the *Savoy* to pervert Youth, suffer'd the Priests to go about in their Habits, made *Tyrconnel* Lord Lieutenant of *Ireland*, turn'd all the Protestants out of the Army and most of the Civil Employments there, and made *Fitton* (a Papist, and one detected for Perjury) Chancellor of that Kingdom. He issu'd out a Proclamation in *Scotland* wherein he asserted his Absolute Power, which all his Subjects were to obey without reserve; a Prerogative I think, never claim'd by the Great *Turk*, or the *Mogul*. He issued out a Declaration for Liberty of Conscience, order'd it to be read in all Churches, and imprison'd and try'd the seven Bishops because they humbly offer'd their Reasons in a Petition against it: and to consummat all, that we might have no hopes of retrieving our Misfortunes, he impos'd a counterfeit Prince of *Wales* upon the Nation.

Soon after he came to the Crown, the Duke of *Monmouth* landed, and in a few weeks got together six or seven thousand Men: but they having neither Arms or Provisions, were easily defeated by not many more than 2000 of the King's Troop. Which leaves a sad prospect of the consequence of a Standing Army: for here was a Prince, the Darling of the common People, fighting against a bigotted Papist that was hated and abhor'd by them, and yet defeated by so small a number of Men, and many of them too his Friends; such is the force of Authority. King *James* took occasion from hence to increase his Army to between fifteen and sixteen thousand Men, and then unmask'd himself, call'd his Parliament, and in a haughty Speech told them, He had increas'd his Army, put in Officers not qualify'd by the Test, and that he would not part with them. He ask'd a Supply, and let them know he expected their compliance. This was very unexpected to those Loyal Gentlemen, who had given him such a vast Revenue for

se, who refus'd to take any Security but his Majesty's never-
ling Word for the Protestant Religion, and indeed had done
him whatever he ask'd; which yet was not very extra-
ordinary, since he had the choosing of most of them himself.
It even this Parliament turn'd short upon an Army: which
set me in mind of a saying of *Macchiavel*, viz. *That it is as
ard a matter for a Man to be perfectly bad as perfectly good;*
or if he had liv'd at this time, I believe he had chang'd his
pinion. The Court labour'd the matter very much; and to
show that good Wits jump, they told us that *France* was grown
formidable, that the *Dutch* Forces were much increas'd, that
we must be strong in proportion for the preservation of our
Wes and *Flanders*, and that there was no dependence upon
the Militia. But this shallow Rhetorick would not pass upon
them. They answer'd, that we had defended our selves for
above a thousand Years without an Army; that a King's truest
strength is the Love of his People; that they would make the
Militia useful, and order'd a Bill to be brought in to that pur-
pose. But all this serv'd only to fulfil their Iniquity; for they
had done their own Business before, and now he would keep
an Army up in spite of them: so he prorogu'd them, and
had no other Parliament during his Reign; but to frighten the
City of *London*, kept his Army encamp'd at *Hounslow*-Heath when
the Season would permit, which put not only them but the whole
Nation into the utmost Terror and Confusion. Towards the lat-
ter end of his Reign he had increas'd his Army in *England* to a-
bove twenty thousand Men, and in *Ireland* to eight thousand seven
hundred and odd.

This King committed two fatal Errors in his Politicks. The
first was his falling out with his old Chronicles the Priests, who
ought him to the Crown in spite of his Religion, and would
never supported him in Arbitrary Government to the ut-
most; nay, Popery (especially the worst part of it, viz. the
persecution of the Church) was not so formidable a thing to
him, but with a little Cockery it might have been rendred pa-
ssable. But he had Priests of another sort that were to rise
upon their Ruins; and he thought to play an easier Game by
treating the Dissenters, employing them, and giving them Li-
berty of Conscience: which kindness lookt so preposterous,
that the wise and sober Men among them could never heartily
believe it, and when the Prince of *Orange* landed turn'd against
him.

His second Error was the disabling his own Army, by bring-
ing over Regiments from *Ireland*, and ordering every Com-
pany

pany to take in so many *Irish* Papists; by which they plainly saw he was reforming his Army, and would cashier them all as fast as he could get Papists to supply their room. So that he violated the Rights of the People, fell out with the Church of *England*, made uncertain Friends of the Dissenters, and disoblig'd his own Army; by which means they all united against him, and invited the Prince of *Orange* to assist them: which Invitation he accepted, and landed at *Torbay* the 5th of November 1688. publishing a Declaration, which set forth all the Oppressions of the last Reign [but the keeping up a Standing Army] declared for a free Parliament, in which things were to be so settled that there should be no danger of falling again into Slavery, and promis'd to send back all his foren Forces as soon as this was done.

When the News of his Landing was spread thro' *England*, he was welcom'd by the universal Acclamations of the People. He had the Hands, the Hearts, and the Prayers of all honest Men in the Nation: Every one thought the long wish'd for time of their Deliverance was come. King *James* was deserted by his own Family, his Court, and his Army. The Ground he stood upon mouldred under him; so that he sent his Queen and Foundling to *France* before him, and himself followed soon after. When the Prince came to *London*, he disbanded most of those Regiments that were rais'd from the time he landed; and King *James's* Army that were disbanded by *Feversham*, were order'd to repair all again to their Colours: which was thought by some a false step, believing it would have been more our Interest to have kept those Regiments which came in upon the Principle on which this Revolution is founded, than Forces that were rais'd in violation of the Laws, and to support a Tyrannical Government: besides, the miserable Condition of *Ireland* requir'd our speedy Assistance, and these Men might have been trusted to do that work.

Within a few days after he came to Town, he summon'd the Lords, and not long after the Members of the three last Parliaments of King *Charles* the 2d, and was address'd to by both Houses to take upon him the Administration of the Government, to take into his particular care the then present Condition of *Ireland*, and to issue forth Circulatory Letters for the choosing a Convention of Estates. All this time *Ireland* lay bleeding, and *Tyrconnel* was raising an Army, disarming the Protestants, and dispossessing them of all the Places they held in *Leinster*, *Munster*, and *Connaught*: which occasion'd frequent Applications here for Relief, tho' it was to send them but one

or two Regiments; and if that could not be don, to send them Arms and Commissions, which in all probability would have made the Reduction of that Kingdom very easy: yet tho' the Prince's and King *James* his Army were both in *England*, no relief was sent, by which means the *Irish* got possession of the whole Kingdom but *Londonderry* and *Iniskilling*, the former of which Towns shut up its Gates the ninth of *December*, declaring for the Prince of *Orange*, and address'd for immediate Relief, yet could neither get Arms or Ammunition till the 20th of *March*; and the Forces that were sent with *Cunningham* and *Richards* arrived not there till the 15th of *April*, and immediately after deserted the Service, and came back again, bringing *Lundy* the Governor before appointed by his Majesty with them, and alledg'd for their Excuse, that it was impossible to defend the Town. But notwithstanding this Treachery, such was the resolution of the Besieged, that they continu'd to defend themselves with the utmost bravery, and sent again for Relief, which under *Kirk* came not to them till the 7th of *June*; nor were these poor Creatures actually reliev'd till the 30th of *July*, tho' there appears no reason why he might not have don when he first came into the Harbor, which was more than even Weeks before. Thus we see the Resolution of these poor Men wear'd out all their Disappointments.

When the Convention met, they resolv'd upon twenty eight Articles, as the Preliminaries upon which they would dispose the Crown: but this design dwindled into a Declaration of our Rights, which was in thirteen Articles, and the most considerable, viz. *That the raising and keeping up a Standing Army in times of Peace is contrary to Law*, had tag'd to it these words, *without Authority of Parliament*; as if the consent of the Parliament would not have made it Legal without those words, or that their Consent would make it less dangerous. This made the *Jacobites* say in those early days, that some evil Counsellors design'd to play the same game again of a *Standing Army*, and attributed unjustly the neglect of *Ireland* to the same cause, because by that omission it was made necessary to raise a greater Army to reduce it, with which the King acquainted the Parliament the 8th of *March*, when speaking of the deplorable Condition of *Ireland*, he declar'd he thought it not visible to attempt the reducing it with less than 20000 Horse and Foot. This was a bitter Pill to the Parliament, who thought they might have manag'd their share of the War with *France* at Sea; but there was no remedy, a greater Army must be rais'd, or *Ireland* lost; and to gild it, all the

Courtiers usher'd in their Speeches with this Declaration, That they would be the first for disbanding them when the War was over; and this Declaration has bin made as often as an Army has bin debated since during the War, and I suppose punctually observ'd last Sessions. At last the thing was consented to, and the King shou'd forth Commissions for the raising of Horse, Foot, and Dragoons. In this Army very few Gentlemen of Estates in *Ireland* could get Employments, tho' they were in a miserable Condition here, and made their utmost Application for them; it being a common objection by some Colonels, that a Man had an Estate there, which in all likelihood would have made him more vigorous in reducing the Kingdom. It was long after this Army was rais'd, before they could be ready to be transported; and even then it was commonly said that *Slomberg* found many things out of order; and when they were at last transported, which was about the middle of *August*, they were not in a Condition to fight the Enemy, tho' lately battel'd before *Londonderry*, especially their Carriages coming not to them till the 24th of *September*, when it was high time to go into Winter-Quarters. By this means the *English* lost almost all their Carriages, and three fourths of our Army perish'd at the Camp at *Dundalk*.

But tho' our Army could do nothing, yet the Militia of the Country, which without Arms or Clothes, performed Miracles, witness the marvellous Siege of *Londonderry*, the defeat of General *Wolfe*, who was drown'd in a Bog with ten thousand regular Troops, and attack'd by fifteen hundred *Irish* men; defeated, himself made a Prisoner, and three thousand of his Men kill'd; and a great many other gallant Actions they perform'd, for which they were dismiss'd by *Kirk* with Scorn and Ignominy, and most of their Officers left to starve. Thus the War in *Ireland* was nur'd up either thro' Chance, Inadvertency, or the necessity of our Affairs (for I am unwilling to think it was Design) till at last it was grown so big, that nothing less than his Majesty's great Genius, and the usual Success that has always attended his Conduct, could have overcome it.

When the Parliament met that Winter, they fell upon the examination of the *Irish* Affairs; and finding *Commissary Shales* was the cause of a great part of the Misarranges, they address'd his Majesty that he would be pleas'd to acquaint the House who it was that advis'd the employing him, which his Majesty did not remember. They then address'd, that he would be pleas'd to order him to be taken into Custody, and

it was done accordingly; upon which *Shales* sent a Letter to the Speaker, desiring he might be brought over to *England*, where he would vindicate himself, and justify what he had done. Then the House address'd his Majesty again, that he might be brought over with all convenient speed; and the King was pleas'd to answer, that he had given such Orders already. Then the House refer'd the matter to a privat Committee; but before any Report made, or *Shales* could be brought to *England*, the Parliament was prorogu'd, and after dissolv'd; and soon after he fell sick and died.

The neglect of *Ireland* this Year made it necessary to raise more Forces, and increase our Establishment, which afterwards upon pretence of invading *France* was advanc'd to eighty seven thousand six hundred ninety eight Men. At last by our great Armies and Fleets, and the constant expence of maintaining them, we were too hard for the Oeconomy, Skill, and Policy of *France*; and notwithstanding all our Difficulties, brought them to Terms both Safe and Honourable.

It not being to the purpose of this Discourse, I shall omit giving any account of the Conduct of our Fleet during this War, how few Advantages we reap'd by it, and how many Opportunities we lost of destroying the *French*. Only thus much I will observe, that tho' a great part of it may be attributed to the Negligence, Ignorance, or Treachery of inferior Officers, yet it could not so universally happen thro' the whole course of the War, and unpanish'd too, notwithstanding the clamors of the Merchants, and repeated complaints in Parliament, unless the cause had laid deeper: What that is, I shall not presume to enquire; but I am sure there has bin a very ill Argument drawn from it, viz. *That a Fleet is no security to us.*

As soon as the Peace was made, his Majesty discharg'd a great part of the foren Forces; and an Advertisement was publish'd in the Gazer, that ten Regiments should be forthwith disbanded; and we were told, as soon as it was done, that more should follow their example. But these Resolutions, it seems, were alter'd, and the modish Language was, that we must keep up a Standing Army. Their Arguments were turn'd offly turvy: for as during the War the People were prevail'd upon to keep up the Army in hopes of a Peace; so now we must keep them up for fear of a War. The Condition of *France*, which they had bin decrying for many Years, was now magnifi'd: we were told, that it was doubtful whether the *French* King would deliver up any of his Towns;

that he was preparing a vast Fleet upon the Lord knows what Design; that it was impossible to make a Militia useful; that the warlike King *Jemmy* had an Army of eighteen thousand *Irish* Hero's in *France*, who would be ready when call'd for; and that the King of *Spain* was dying. The Members of Parliament were discours'd with as they came to Town; 'twas whisper'd about, that the Whigs would be all turn'd out of Employments: a new Plot was said to be discover'd for Murdering the King, and searches were made at Midnight thro' the whole City to the discovery of Plenty of Fornication, but no Traitors. The Placemongers consulted among themselves, and found by a wonderful Sympathy they were all of one Opinion; and if by any means they could get a few more to be of the same, the day was their own: so they were positive of success, and very sure they should carry -it by above a hundred Voices.

The House had not sat a week, but this matter came to be debated: and the question in the Committee was, *Whether all Forces rais'd since the year 80 should be disbanded?* which was carried in the Affirmative, the Court being not able to bring it to a division; and the next day when it was reported, they did not attempt to set aside the Vote, but to recommit it, upon pretence it tied the King to the old Tory Regiments, (tho' by the way, none of those Regiments have been since disbanded) and some said they thought the Forces in 80 too many. I can safely say, tho' I had frequent discourse with many of them, yet I never heard any one of them at that time pretend to be for a greater force than this Vote left the King: but let what will be their reasons, it was carried against them by a majority of 37, the Affirmatives being 185, and the Negatives 148. I will not here take notice of what some People have said, *viz.* That of the 148 who were for recommitting the Vote, 116 had Places, because I doubt the fact; nor do I believe their Places would bias them.

This was a thorow Victory, and required great skill and address to retrieve. The fears of *France* were again multiplied; 'twas said there was a privat Article that King *James* was to leave *France*, which the *French* refused to perform; that *Boufflers* and the *Earl of Portland* had given one another the Lie; that some of the latter's Retinue had bin kill'd; that the *French* Ambassador was stop'd, the King of *Spain* dead, and abundance more to this purpose. The Club was set up at the R —, great Applications made, the Commission of the Excise was declared to be broke (by which nine Commissioners Places were to be dis-

posed

posed of, and above 40 Persons named for them) and many of the Country Gentlemen were gone home. Thus recruited, they were ready for a new Encounter: and since by the Rules of the House they could not set aside the former Vote directly, they would try to do it by a side wind; which was by moving, that directions might be given to the Committee of Ways and Means to consider of a supply for Guards and Garisons: but the other side, to obviate this, offered these words as an Amendment, viz. *According to the Vote of the 11th of December.* This matter was much laboured, and the Gentlemen that were against the Army explain'd themselves, and declar'd they were not for obliging the King to the Regiments in 80, but that they insisted only on the number, and he might choose what Regiments he pleased. By this means they carried it, but not without great opposition (tho' I presume from none of those Gentlemen who declared in all Places they were for recommitting the former Vote only for the reasons before given) besides, they were forced to explain themselves out of a considerable part of it, for they allowed the King the *Dutch* Regiments, and the *Tangeriners*; which in my opinion could not be well understood by the former Vote, the meaning of which seems to be, that the King should have all the Forces that *Charles the 2d* had in 80 in *England*, and these were not then here; the *Holland* Regiments being paid by the States, and their Soldiers; and the others 300 Leagues off at *Tangier*. But all this advantage would not satisfy the Army-Gentlemen; for in the Committee they in-leavoured again to set aside the Vote, by moving for a sum of 300000 pounds *per annum* for Guards and Garisons, without naming any certain number (which would have maintain'd above 20000) but this could not be carried; therefore they came to a sort of Composition, to have but 10000, whereof a great number were to be Horse and Dragoons; and the Sum given to maintain them was 350000 pounds: but notwithstanding this they moved afterwards for 3000 Marines (allegding that these were not a Land-Force, but a Water-Force) which was carried.

Here I will beg leave to observe one thing, that nothing would satisfy the Courtiers at the beginning of the Winter but to have the Forces establish'd by the Parliament, and upon other Terms they would not accept them; and in all Companies said, that any Minister that advis'd the King to keep them up otherwise, or any Officer that continued his Commission ought to be attainted of High Treason: about which I shall not differ with these Gentlemen, nor do I arraign them for altering

their opinion; for perhaps they may conceive that a Vote to give 350000 pounds for Guards and Garisons, is a sufficient Authority against Law to quarter Souldiers in all parts of *England*, as well out of Garisons; as in 'em, and as well at a distance from the King's Person, as about it.

Thus what our Courts for above a thousand years together had never Effrontery enough to ask; what the Pensioner Parliament could not think of without astonishment; what King *James's* Parliament (that was almost chosen by himself) could not bear debated with patience, we are likely to have the honor of establishing in our own age, even under a Deliverance.

Now we will examine how far they have complied with the Resolutions of the House of Commons. Having so far gained upon the first Vote by the means before related, 'twas not easy to be imagined but they would nicely perform the rest, without any art or evasion; but instead of this, they reform'd a certain number of Men out of every Troop and Company, and kept up all the Officers, who are the most essential and chargeable part of an Army, the private Souldiers being to be rais'd again in a few days whenever they please. This is such a disbanding as every Officer would have made in his Company for his private advantage, and always did in *Charles* the 2^d's time, and even in this Reign when they were not in action: so that all the effect of such a Reform is to hinder the Officers from false Musters, and save the pay of a few common Soldiers.

But this would not satisfy the People, and therefore they disbanded some Regiments of Horse, Foot and Dragoons, and thought of that profound Expedient of sending a great many more to *Ireland*; as if our grievance was not the fear of being enslav'd by them, but lest they should spend their Mõny among us. I am sorry the Nation is grown so contemptible in these Gentlemens opinions, as to think that they can remove our fears of a Standing Army by sending them threescore miles off, from whence they may recal them upon a few days notice. Nay an Army kept in *Ireland*, is more dangerous to us than at home: for here by perpetual converse with their Relations and Acquaintance, some few of them perhaps may warp towards their Country; whereas in *Ireland* they are kept as it were in a Garison, where they are shut up from the communication of their Countrymen, and may be nurs'd up in another Interest. This is so true, that 'tis a common Policy among Arbitrary Princes often to shift their Souldiers Quarters, lest they should contract friendship among the Natives, and by degrees fall into their Interest.

It may be said perhaps, That the People of *Ireland* will pay them;

them; which makes the matter so much the worse, for they are less likely to have any regard to their Country. Besides, if we consider the Lords Justices Speech to that Parliament, wherein they are let know that his Majesty *EXPECTS* that they will continue the Subsistence to the disbanded Officers, and support the present Establishment (which by the way is near three times as great as *Charles* the 2^d's) and this without any other ceremony or qualification of Time (with which his Majesty was pleas'd to express himself to his *English* and *Scotch* Parliaments) we may be convinc'd that they are not in a condition to dispute this matter; especially at a time when they apprehend Hardships will be put upon them in relation to their Trade: and therefore we may be sure they will gratify the Court to the utmost of their Power, in hopes, if they can't prevent the passing a Law against them, to obtain a connivance in the execution. We may add; by this means they will keep their Money in their own Country, a great part whereof came formerly to *England*, and have an opportunity of returning the Complement we design'd them last Year, if we don't prevent it by disbanding the Army there, as *Strafford's* Army in *Ireland* was formerly in the 15th of *Charles* the first, and lately another in 78 by our *English* Parliaments.

I can't avoid taking notice here, how different the modish Sentiments are in *Ireland* and *England*: for there the Language is, We must comply with the Court in keeping up the Army, or otherwise the Woollen Manufacture is gon; and here the Men in fashion tell us, that an Army must be kept in *Ireland* to destroy the Woollen Manufacture, and execute the Laws we make against them; and in order to it the People of *Ireland* are to pay them.

This project of sending Men to *Ireland* was so transparent, that they durst not rely upon it; and therefore they told us, that as fast as Money could be got, they would disband more Regiments. The People were in great expectation when it would be done, and several times it was taken notice of in Parliament; and the Courtiers always assur'd them that nothing hindred it but the want of Money to pay them off. It was confidently said in all publick places, that eighteen Regiments more would be disbanded, and the Regiments were nam'd; and I have heard it with great Assurance affirm'd by the Agents and Officers themselves, that the King had sign'd it in Council. Thus the Session was worn out, till the House of Commons tir'd with Expectation, address'd his Majesty, that he would be pleas'd to give order that a List be laid before the

House of the Army disbanded, and intended to be disbanded, and of the Officers Names who are to have half pay; and his Majesty was pleas'd to answer, That he would comply with the desires of the House as soon as conveniently he could: but the Parliament sitting not above a Month afterwards, his Majesty sent them no farther answer. At last the Parliament rose, and instead of disbanning they brought over a great many foreign Regiments, and sent them to Ireland, as well as three more English ones. But even all this would not bring their Army in England down to ten thousand Men; so that they made another Reform, and since have incorporated the Officers of the disbanded Regiments in Ireland into the Standing Troops, by which means they have got an Army of Officers: whereas if these Gentlemen design their Army to defend us against a sudden Invasion, or to be in readiness against the King of Spain's Death, in my poor opinion they should have kept up the privat Soldiers, and disbanded all the Officers but such as are just necessary to exercise them; for Officers will be always ready to accept good Employments, whereas the privat Solders will be very difficultly listed again in a new War, tho' we all know they are easily to be got together when they are only to insult their Country-men.

One good effect of this Army has already appear'd; for I presume every body has heard how prevailing an Argument it was in the late Elections, *That if we choose such a Man, we shall be free from Quarters*: and I wish this Argument does not every day grow stronger. Nay, who knows but in another Reign the Corporations may be told that his Majesty *expects* they will choose the Officers of the Army, and the Parliament be told that he *expects* they will maintain them?

But to set this matter in a full view, I will here put down the Establishment of King *Charles the Second* in 80, which was the foundation of the Vote of the 11th of *December*, as also his present Majesty's: and in this, as well as my other Computations, I do not pretend but I may be mistaken in many Particulars, tho' I have taken what care I could not to be so; nor is it material to my purpose, so the variation from Truth is not considerable.

I shall also set down King *William's* Establishment as the Regiments were before the Reform, because all the Officers still remain, and a great part of the privat Soldiers, which I take to be in effect full Regiments; the rest being to be rais'd again in a few days, if they be design'd for home Service, but, as I said before, the hardest to be got if they are designed for *Spain* or *Flanders*. But herein if any Man differs from me, he may make his own deductions.

The Establishment of Charles the Second in England in the Year Eighty.

<i>Horse and Dragoons in England.</i>	<i>Troops and Companies.</i>	<i>Com-mis. Officers.</i>	<i>Non-Com-mis. Of-ficers.</i>	<i>Private Men.</i>	<i>Total Number.</i>
Troops of Guards	3	48	15	600	663
The Royal Regiment of Horse	8	34	40	400	474
A Troop of Dragoons raised in July, 1680.	1	4	8	40	52
Total Horse and Dragoons---	12	86	63	1040	1189

<i>Foot in England.</i>					
Gentlemen Pensioners	1	6	0	40	46
Yeomen of the Guard	1	7	0	100	107
The first Regiment of Foot-Guards	24	75	192	1440	1707
The Coldstream Regiment	12	39	96	720	855
The Duke of York's Regiment	12	39	96	630	765
The Holland Regiment	12	39	96	600	735
Independent Companies	26	78	208	1260	1546
Total Foot in England	88	283	688	4790	5761

King Charles the Second's Establishment in Ireland in the Year Eighty.

<i>His Horse in Ireland.</i>					
Troops of Horse	24	96	196	1080	1372

<i>His Foot in Ireland.</i>					
Yeomen of the Guard	1	3	0	60	63
A Regiment of Guards	12	40	99	1120	1259
					Single

	Troops and Com- panies.	Com- mis- Offi- cers.	Non- Com- mis- Of- ficers.	Pri- vate Men.	To- tal Num- ber.
Single Companies	74	222	444	4440	5166
Total Foot in Ireland	87	265	543	5620	6428

I have not here put down the Garison of *Tangier*, which was about three thousand Men, because that place is now lost, and consequently wants no Garison.

I will now set down his present Majesty's Establishment, and then compare them both together.

Horse and Dragoons upon the English Establishment.

Three Troops of Horse Guards	3	48	15	600	663
One Troop of Dutch Guards	1	15	5	200	220
One Troop of Horse Grana- diers	1	11	20	180	211
Lord Oxford's Regiment	9	40	45	531	616
Lord Portland's Horse Dutch Regiment	9	42	54	603	699
Lumley's Regiment	9	40	45	531	616
Wood's	6	28	36	354	412
Arran's	6	28	36	354	412
Windham's	6	28	36	354	412
Schomberg's	6	28	36	354	412
Macclesfield's	6	28	36	354	412
Raby's Dragoons	8	37	72	480	589
Flood's Dragoons	8	37	72	480	589
Lord Essex's Dragoons.	8	37	72	480	589
Total Horse and Dragoons in England.	86	447	580	5855	6876

Foot on the English Establishment.

Gentlemen Pensioners	1	6	0	40	46
Yeomen of the Guard	1	7	0	100	107
Lord Romney's four Battalions	28	99	222	2240	2563
Lord Cutt's two Battalions---	14	51	112	1120	1283

The

	Troops and Com- panies.	Com- mis. Offi- cers.	Non- Com- mis. Of- ficers.	Pri- vate Men.	Total Num- ber.
the Blew Guards a Dutch					
Regiment, four Battalions	26	96	208	2366	2670
of Orkney's a Scotch Re-					
giment	26	88	208	1560	1656
win's	13	44	104	780	928
urchil's	13	44	104	780	928
elawny's	13	44	104	780	928
rl's	13	44	104	780	928
nour's	13	44	104	780	928
lt's	13	44	104	780	928
rdant's	13	44	104	780	928
David Collier's	13	44	104	780	928
Charles Hero's Fusileers in					
Persex	13	46	104	780	930
llingwood's	13	46	104	780	928
Company at Upnor Castle-	1	2	6	50	58
Total Foot in England-	227	793	1796	15276	17865

Horse and Dragoons upon the *Irish* Establishment.

son's	6	42	30	354	412
angston's	6	42	30	354	412
ord Gallaway's a French Re-					
giment	9	113	45	531	689
of's Dragoons	8	37	72	480	589
iffin's	8	37	72	480	589
unningham's	8	37	72	480	589
ormen's a French Regiment	8	74	144	480	698
Total Horse and Dragoons					
in Ireland	53	338	465	3159	3962

Foot upon the *Irish* Establishment, with the disbanded
Officers incorporated.

airfax's	13	66	104	780	950
allumbine's	13	66	104	780	950
Zebb's	13	66	104	780	950

Granvil's

	Troops and Com- panies.	Com- mis- Offi- cers.	Non- Com- mis-Of- ficers.	Pri- vate Men.	Total Num- ber.
Granvill's	13	66	104	780	950
Brewer's	13	66	104	780	950
Jacob's	13	66	104	780	950
How's	13	66	104	780	950
Steward's	13	66	104	780	950
Hanmore's	13	66	104	780	950
Tircomb's	13	66	104	780	950
Stanley's	13	66	104	780	950
Bridges's	13	66	104	780	950
Fr. Hamilton's	13	66	104	780	950
Ingoldsbys	13	66	104	780	950
Pisars	13	66	104	780	950
Bellasis	13	66	104	780	950
Gustavus Hamilton's	13	66	104	780	950
Tiffany's	13	66	104	780	950
Martoon's a French Regiment	13	83	104	780	967
Lamellioner's a French Re- giment	13	83	104	780	967
Belcastle's a French Regiment	13	83	104	780	967
Holt's Regiment in the West- Indies which is not upon the Irish Establishment	13	44	104	780	928
Total Foot in Ireland	286	1481	2288	17160	20929

I will now compare both Establishments together.

Charles the 2d's Horse in Eighty in England	12	86	63	1040	1189
His Foot in England	88	283	688	4790	5761
His Horse and Foot in Eng- land	100	369	751	5830	6950

His Establishment in Ireland.

His Horse in Ireland	24	96	196	1080	1372
His Foot in Ireland	87	265	543	5620	6428
His Horse and Foot in Ire- land.	111	361	739	6700	7800

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<i>His Army in England and Ireland.</i>	<i>Troops and Companies.</i>	<i>Com-mis. Officers.</i>	<i>Non-Com-mis. Of-ficers.</i>	<i>Pri-vate Men.</i>	<i>Total Num-ber.</i>
<i>His Horse in England and Ireland</i>	36	182	259	2120	2561
<i>His Foot in England and Ireland</i>	175	548	1231	10410	12189
<i>His Army in England and Ireland</i>	211	730	1490	12530	14750

King William's Establishment.

<i>His Horse in England</i>	86	441	580	5855	6876
<i>His Foot in England</i>	227	793	1796	15276	17865
<i>His Forces in England</i>	313	1234	2376	21131	24741

His Establishment in Ireland.

<i>His Horse in Ireland</i>	53	338	465	3159	3962
<i>His Foot in Ireland</i>	286	1481	2288	17160	20929
<i>His Forces in Ireland</i>	339	1819	2753	20319	24891

All his Army in England and Ireland.

<i>His Horse and Dragoons in England and Ireland</i>	139	779	1045	9014	10838
<i>His Foot in England and Ireland</i>	513	2274	4084	32436	38794
<i>His Army in England and Ireland</i>	652	3053	5129	41450	49632

So that his present Majesty in *England and Ireland* alone has above three times as many Troops and Companies as *Charles the second* had in the Year eighty, almost five times as many Commission Officers, near four times as many Non-Commission Officers; and when the Commanders shall have Orders to recruit their Companies, will have more than three times the number of common Soldiers, besides the disbanded Officers which are not incorporated into other Regiments; and upon the Establishment now stand, are as much Creatures to the Court, as if their Regiments were in being.

His

*His Majesty's Forces in Scotland, which in the Year
Eighty consisted of 2806 Men.*

	Troops and Com- panies.	Com- mis- Offi- cers.	Non- Com- mis. Of- ficers.	Pri- vate Men.	Tot- al Num- ber.
The Troop of Guards	1	15	5	120	141
The Royal Regiment of Dragoons	8	37	72	320	429
Fedborough's Dragoons	6	27	54	240	327
The Royal Regiment of Foot Guards	16	51	128	912	1097
Rew's Fusileers	16	51	128	640	835
Collier or Hamilton's	16	51	128	640	835
Maitland's	16	51	128	640	835
In Garisons	4	12	24	295	335
All his Forces in Scotland	83	295	667	3807	4752

These Forces are as they are now reduc'd and allow'd by the Parliament of *Scotland*, for Reasons best known to themselves which without doubt must be very good ones, and 'tis commonly said, that ten Privy Counsellors of that Kingdom, who appear'd against the Army, are turn'd out of the Council; which, if true, I presume will be a sufficient warning to our Gentlemen at home.

However there is this use in the *Scotch* Army, that if the Parliament of *England* shall be prevail'd on to think any Forces necessary, a lesser Number will be sufficient.

His Majesty's Forces in Holland.

Lawder's	13	44	104	730	928
William Collins	13	44	104	780	928
Murray's	13	44	104	780	928
Ferguson's	13	44	104	780	928
Stranaver's	13	44	104	780	928
All the Forces in Holland	78	264	624	4680	5568
SO that his Majesty's whole Army consists of	813	3612	6420	49937	59969

Of these seven thousand, eight hundred, and seventy seven, e Foreigners, which is the first foreign Army that ever set foot England but as Enemies.

Since the writing of this I am informed, that *Brudenall's* Regiment is in being, and that *Eppinger's* Dragoons are in *English* Pay, which if true, will make the whole Army sixty odd thousand men: but in this as well as many other Parts of the List I may be mistaken, for which I hope I shall be excused, when I acquaint the reader that I was forced to pick it out from accidental Discourses with Officers, having apply'd to my Lord R——'s Office without Success, tho' I made such Interest for it as upon another occasion would not have been refused.

If the Prince of *Orange* in his Declaration, instead of telling us that we should be settled upon such a foundation that there should be no danger of our falling again into Slavery, and that he would send back all his Forces as soon as that was done, had promis'd us that after an eight Years War (which should leave us in Debt near twenty Millions) we should have a Standing Army establish'd, a great many of which should be Foreigners, I believe few Men could have thought such a Revolution worth the hazard of their Lives and Estates: but his mighty Soul was above such abject thoughts as these; his Declaration was his own, these paltry Designs are our Undertakers, who would shelter their own Oppressions under his Sacred Name.

I would willingly know whether the late King *James* could have inflat'd us but by an Army, and whether there is any way of securing us from falling again into Slavery but by disbanding them. It was in that sense I understood his Majesty's Declaration, and therefore did early take up Arms for him, as I shall always be ready to do. It was this alone which made his assistance necessary to us, otherwise we had wanted none but the Englishman's.

I will venture to say, that if this Army does not make us Slaves, we are the only People upon Earth in such Circumstances that never escap'd it with the 4th part of their number. It is a greater force than *Alexander* conquer'd the East with, than *Cæsar* conquer'd in his Conquest of *Gaul*, or indeed the whole *Roman* Empire; double the number that any of our Ancestors ever invaded *France* with, *Agésilas* the *Persians*, or *Huniades* and *Scanderbeg* the *Turkish* Empire; as many again as was in any Battel between the *Dutch* and *Spaniards* in forty Years War, or better than the King and Parliament in *England*; four times as many as the Prince of *Orange* landed with in *England*; and in short, as many as have been on both sides in nine Battels of ten that were

were ever fought in the World. If this Army does not inflame us, it is barely because we have a virtuous Prince that will not attempt it; and 'tis a most miserable thing to have no other Security for our Liberty, than the Will of a Man, tho' the most just Man living: for that is not a free Government where there is a good Prince (for even the most arbitrary Governments have had sometimes a Relaxation of their Miseries) but where it is constituted, that no one can be a Tyrant if he would. *Cicer* says, tho' a Master does not tyrannize, yet 'tis a lamentable consideration that it is in his Power to do so; and therefore such a Power is to be trusted to none, which if it does not find a Tyrant, commonly makes one; and if not him, to be sure Successor.

If any one during the Reign of *Charles* the Second, when those that were call'd *Whigs*, with a noble Spirit of Liberty, both in the Parliament House and in private Companies, oppos'd a few Guards as Badges of Tyranny, a Destruction to our Constitution, and the Foundations of a Standing Army: I say, if any should have told them that a Deliverer should come and rescue them from the Oppressions under which they then labor'd; that *France* by a tedious and consumptive War should be reduc'd to half the Power it then had; and even at that time they should not only be passive, but use their utmost Interest, and distort their Reason to find out Arguments for keeping up so vast an Army, and make the Abuses of which they had been all their lives complaining, Precedents to justify those Proceedings; who ever would have told them this, must have been very regardless of his Reputation, and been thought to have had a great deal of ill nature. But the truth is, we have lived in an Age of Miracles, and there is nothing so extravagant that we may not expect to see, when surly Patriots grow servile Flatterers, old Common wealthsmen declare for the Prerogative, and Admirals against the Fleet.

But I wonder what Arguments in nature our Hirelings will think of for keeping up an Army this year. Good Reasons lie within a narrow Compass, and might be guessed at; but none in sense is infinite. The Arguments they chiefly insisted upon last year were, That it was uncertain whether the *French* King would deliver up any of his Towns if we disbanded our Army; that *King James* had 18000 Men at his devotion kept by the King of *France*; that a great Fleet was preparing there upon some unknown Design; that the King of *Spain* was dying; that there was no Militia settled; and that they would keep them up only for a year, to see how the world went. This with a few Lies

about

about my Lord *Portland's* and *Bouffler's* quarrelling, and some Prophecies of our being invaded in six months, was the substance of what was said or printed.

Now in fact the *French King* has deliver'd up *Giron, Roses, Belier, Barcelona*, and a great part of the Province of *Catalonia*: The Town and Province of *Luxemburg*, and the County of *Chiny*; the Towns of *Mons, Charleroy, Courtray*, and *Aeth* in the *Spanish Provinces*, to the King of *Spain*.

The Town of *Dinant* to the Bishop of *Leige*.

The Towns of *Pignerol, Cazal, Susa, Montmelian, Nice, Villa Franca*, all *Savoy*, and part of *Piemont* to the Duke of *Savoy*.

The Cities of *Treves, Germensheim*, and the Palatinate; the County of *Spanheim, Veldentz*, and Dutchy of *Deuxponts*; the County of *Mombelland* and some Possessions of *Burgundy*; the Ports of *Kiel, Friburg, St. Peterfort, Destoile*; the Town of *Philipsburg*, and most of *Alsace, Eberenburg*, and the Dutchy of *Lorraine* to the Empire: has demolished *Hunningen, Montroyal* and *Sernburg*.

He has delivered up the Principality of *Orange* to the King of *England*.

These are vast Countries, and contain in bigness as much ground as the Kingdom of *England*, and maintained the King of *France* above 100000 Men; besides, he had laid out vast Sums in the Fortifications he delivered up and demolished. Add to this, his Kingdom is miserably impoverished and depopulated by his War; his Manufactures much impaired; great numbers of Offices have been erected, which like Leeches draw away the peoples blood; prodigious Debts contracted, and a most beneficial Trade with *England* lost. These things being considered, there can be little danger of their shewing overmuch wantonness, especially for some years: and yet still we must be bullied by the name of *France*, and the Fear of it must do what their Power could never yet effect: which is a little too gross, considering they were enslaved by the same means. For in *Lewis the 11th's* time, the *French* gave up their Liberties for fear of *England*, and now we must give up ours for fear of *France*.

Secondly, Most of King *James's English and Irish* Forces which have been so often threatned with, are disbanded; and he is oblig'd to subsist upon his Majesty's Charity, which will be a sufficient Caution for his good behaviour.

Thirdly, The *French Fleet*, which was another Bugbear, extended not this year 20 Sail, nor attempted any thing, tho' we had sent Fleet out to oppose them.

Fourthly, The King of *Spain* is not dead, nor in a more dangerous

gerous Condition than he has been for some years ; and we are not without hopes that his Majesty by his extraordinary Prudence has taken such care as to prevent a new War in case he should die.

Fifthly, As to the Militia, I suppose every Man is now satisfied that we must never expect to see it made useful till we have disbanded the Army. I would not be here understood to throw the whole odium of that matter upon the Court; for there are several other Parties in *England*, that are not over-zealous for a Militia. First, those who are for restoring *K. James's* Trumpery, and would have the Army disbanded, and no Force settled in the room of it. Next, there are a mungrel sort of Men who are not direct Enemies to the King, yet because their fancied merit is not rewarded at their own price, they are so shagreened that they will not let him have the Reputation of so noble an Establishment. Besides these, there are others that having no notion of any Militia but our own, and being utterly unacquainted with antient and modern History, think it impracticable: and some wretched things are against it because of the Charge; whereas if their Mothers had taught them to cast account, they would have found out that 52000 Men for a month will be but the same charge to the Subject as four thousand for a year, supposing the pay to be the same; and reckoning it to be a third part greater, it will be equivalent to the charge of 6000: and if we should allow them to be out a fortnight longer than was designed by the last Bill for exercising in lesser Bodies, then the utmost Charge of such a Militia will be no more than to keep up 9000 Men the year round. None of the Parties I mention'd will openly oppose a Militia, tho' they would be all glad to drop it: and I believe no body will be so hardy as to deny, but if the Court would shew as much vigor in prosecuting it, as they did last year to keep up a Standing Army, that a Bill would pass; which they will certainly do if we disband the Army, and they think it necessary; and if they do not, we have no reason to think an Army so. When they tell us we may be invaded in the mean time, they are not in earnest; for we all know if the King of *France* has any designs, they look another way: besides, he has provided no Transports, nor is in any readiness to make an Invasion; and if he was, we have a Fleet to hinder him; nay, even the Militia we have in *London* and some other Counties, are moderately exercis'd: and I believe those who speak most contemptibly of them will allow 'em to have natural Courage, and as good Limbs as other People; and if they will allow nothing else, then here is an Army of a hundred

dred or sixscore thousand Men, ready list'd, regimented, horsed and armed: and if there should be any occasion, his Majesty can put what Officers he pleases of the old Army over them, and the Parliament will be sitting to give him what Powers shall be necessary. We may add to this, that the disbanded Soldiers in all probability will be part of this body; and then what fear can there be of a scrambling Invasion of a few Men?

I have avoided in this place discoursing of the nature of Militia's, that Subject having been so fully handled already; only thus much I will observe, that a Standing Army in Peace will grow more effeminate by living dissolutely in Quarters, than a Militia that for the most part will be exercised with hard labor. So that upon the whole matter, a Standing Army in Peace will be worse than a Militia; and in War a Militia will soon become a disciplin'd Army.

Sixthly, The Army has bin kept up for a Year, which is all we have pretended to; and notwithstanding their Prophecies, we have had no Invasion, nor danger of one.

Lastly, The Earl of *Portland* and Marshal *Boufflers* were so far from quarrelling, that perhaps no *English* Ambassador was ever received in *France* with more Honor.

But further, there is a Crisis in all Affairs, which when once it is never to be retrieved. Several Accidents concur to make the disbanding the Army practicable now, which may not happen again. We have a new Parliament uncorrupted by the intrigues of the Courtiers: besides the Soldiers themselves hitherto have known little but the Fatigues of a War, and have been so paid since, that the privat Men would be glad to be disbanded; and the Officers would not be very uneasy at it, considering they are to have half Pay, which we must not expect them hereafter when they have lived in Riot and Luxury. Add to this, we have a good Prince, whose Inclinations as well as Circumstances will oblige him to comply with the reasonable desires of his People. But let us not flatter our selves, this will be always so. If the Army should be continued a few years, they will be accounted part of the Prerogative, and 'twill be thought as great a violation to attempt the disbanding them, as the Guards in *Charles* the Second's time; it shall be interpreted design to dethrone the King, and be made an Argument for keeping them up.

But there are other Reasons yet: The publick Necessities call on us to contract our charge, that we may be the sooner out of debt, and in a condition to make a new War; and 'tis not the keeping great Armies on foot that will enable us to do so, but

putting our selves in a capacity to pay them. We have had the experience of this in eight years War; for we have not been successful against *France* in one Battel, and yet we have weighed in down by mere natural Strength, as I have seen a heavy Country Booby sometimes do a nimble Wrestler: and by the same Method (not our Policy, Oeconomy, or Conduct) we must encounter them hereafter, and in order to it should put our selves in such Circumstances, that our Enemies may dread a new Quarrel which can be no otherwise done, but by lessening our Expences, and paying off the publick Engagements as fast as we are able. 'Tis a miserable thing to consider that we pay near 4000000 *l.* year upon the account of Funds, no part whereof can be apply'd to the publick Service, unless they design to shut up the *Exchequer*; which would not be very prudent to own. I would therefore ask some of our Men of Management: Suppose there should be a new War, how they propose to maintain it? For we all now know the end of our Line, we have nothing left but a Land Tax, a Poll, and some few Excises, if the Parliament can be prevailed upon to consent to them. And for once I will suppose that all together, with what will fall in a Twelvemonth, will amount to 3000000 *l.* and a half, which is not probable; and we will complement them, by supposing they shall not in case of a new War give above fourteen or fifteen *per cent.* for Premium and Interest, then the Remainder will be 3000000 *l.* I believe may venture to say, they will not be very fond of lessening the Civil List, and lose their Salaries and Pensions. Then we deduct 700000 pound *per annum*, upon that account there will be 2300000 pound *per annum* for the use of the War, the People pay the utmost penny they are able; so that the Question will not be as in the last War, how we shall carry it off against *France* at large, but how 2300000 pound shall be disposed of to the greatest advantage; which I presume every one will believe ought to be in a good Fleet.

This leads me to consider what will be the best, if not the only way of managing a new War in case of the King or *Spain's* death, and a new Rupture with *France*; and I will suppose the Nation to be as perfectly free from all incumbrances as before the War. Most men at this time of day, I believe, will agree with me that 'tis not our business to throw Squibs in *Flanders*, send out vast sums of Money to have our Men play at bopeep with the *French*, and at best to have their brains beat out against stone Walls: but if a War is necessary there, is our Interest to let the *Dutch* and *Germans* manage it, which is proper for their Situation, and let our Province be to undertake the

ea; yet if we have not wit and honesty enough to make such bargain with them, but that we bring our selves again to a necessity of maintaining Armies there, we may hire Men from Germany for half the price we can raise them here, and they will be sooner ready than they can be transported from hence, that Country being full of Men, all Soldiers inur'd to Fatigue, and serving for much less pay than we give our own: besides, we shall carry on the War at the expence of others blood, and save our own People, which at the strength and riches of all Governments; we shall save the charge of providing for the officers when the War is don, and not meet with such difficulties in disbanding them.

There are some Gentlemen that have started a new method of making War with France, and tell us it will be necessary to send Forces to Spain to hinder the French from possessing that Country; and therefore we must keep them up here to be ready for service: which by the way is acknowledging the Horse ought to be disbanded, since I presume they don't design to send them to Spain. But to give this a full Answer, I believe is every ones opinion that there ought to be a strong Fleet kept at Calés, or in the Mediterranean, superior to the French; and it will be easier and cheaper to bring the Emperor's Forces by the way of Final to Spain, than to send Men from hence: and they are more likely to be acceptable there, being of the same Religion, and Subjects to the House of Austria; whereas to be feared our Men would be in as much danger from that bigotted Nation as from the French: besides, the King of Portugal is arming for his own defence, and a sum of Money well disposed there, will enable him to raise double the Forces upon the spot as can be sent from hence with the same charge.

But for once I will admit it necessary we should send Forces thither to Flanders and Spain; yet 'tis no consequence that we must keep up a Standing Army in England till that time comes. We may remember Charles the 2^d rais'd between 20 and 30000 Men to fight against France in less than forty days; and the Regiments this King raised the first year of his Reign were compleated in a very short time: for my own part I am of opinion, that a new Army may be raised, before Ships and Provisions will be ready for their transportation, at least if the management is no better than 'twas once upon a time; and perhaps it may happen that the King of Spain will not die in the summer time, and then we shall have the winter before us. We may add to this, that the King of France has disbanded a great many men, that his Country now lies open in a great many places; that the

Gerstans and *Dutch* keep great numbers of Men in constant pay; and in all probability there will be a Peace with the *Turks*. That *Portugal* and the *Italian* Princes must enter into the Confederacy in their own defence; and that the *French* will lie under an equal necessity to raise Forces with a much less Country than in the former War, to oppose such a mighty Union of Princes, who will attack him upon the first attempt he makes upon *Spain*.

And after all, what's the mighty Advantage we propose by keeping this Force; Why forsooth, having a small number of Men more (for the Officers will always be ready, and now a great part of the private Soldiers are to be rais'd in case of a new War) ready six Weeks sooner to attack *France*. And I durst almost appeal to these Gentlemen themselves, whether so small a Balance against *France* is equivalent to the hazard of our Liberties, destruction of our Constitution, and the constant Expence of keeping them up, to expect when the King of *Spain* will be pleased to die.

If these Gentlemen are really afraid of a new War, and don't use it as a Bugbear to fright us out of our Liberties, and to gain their little party-Ends, the way to bring the People into it heartily, is to shew them that all their Actions tend to the publick Advantage, to lessen the National Expences, to manage the Revenue with the greatest frugality, to postpone part of their own Salaries, and not grow rich while their Country grows poor, to give their hearty Assistance for appropriating the *Irish* Lands gain'd by the Peoples Blood and Sweat to the publick Service, as was promis'd by his Majesty, and not to shew an unhappy Wit in punishing some Men, and excusing others for the same fault, and spend three Months in Intrigues how to keep up a Standing Army to the dread of the greatest part of the Nation: for let them fancy what they please, the People will never consent to the raising a new Army till they are satisfied they shall be rid of them when the War is done; and there is no way of convincing them of that, but the disbanding these with willingness. When we see this done, we shall believe they are in earnest, and the People will join unanimously in a new War; otherwise there will always be a considerable part of the Nation (whatever personal Honor they have for his Majesty, or fears of *France*) that will lie upon the Wheels with all their weight, and do them more harm than their Army will do them good.

To conclude, we have a wise and virtuous Prince, who has always endeavour'd to please his People by taking those men into his Councils which they have recommended to him by their own Choice; and when their Interest has declin'd, he has gratified
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the Nation by turning them out. I would therefore give this reasonable advice to those who were once call'd Whigs, that the way to preserve their Interest with his Majesty is to keep it with the People; that their old Friends will not desert them till they desert their Country, which when they do, they will be left to their own proper Merits: and tho' I am not much given to believing Prophecies, yet I dare be a Prophet for once, and foretel that then they will meet with the fate of King *Phys.* and King *Ush.* in the Rehearsal, *Their new Masters will turn them off, and no body else will take them.*

T H E E N D.

An Argument shewing that a Standing Army is inconsistent with a Free Government, and absolutely destructive to the Constitution of the English Monarchy.

*Cervus Equum pugna melior communibus herbis
Pellebat, donec minor in certamine longo
Imploravit opes hominis, frænumq; recepit.
Sed postquam victor violens discessit ab hoste,
Non Equitem dorso, non frænum depulit ore.*

Horat. Epist. 10.

Dedication, To all those whom it may concern.

Qui capit ille facit.

WHEN I consider your great Zeal to your Country, how much you have expos'd your selves for its Service, and how little you have improved your own Fortunes, I think it is but Justice to your Merits to make your Encomiums the Preface to the following Discourse. 'Tis you that have abated the pride, and reduced the Luxury of the Kingdom: You have been the Physicians and Divines of the Commonwealth, by purging it of that Dross and Dung, which corrupts the Minds, and destroys the Souls of Men. You have convinced us that there is no Safety in Counsellors, nor Trust to be put in Ships under your conduct.

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You

You have clear'd the Seas, not of Pyrats, but of our own Merchants, and by that means have made our Prisons as so many Store-houses to replenish your Troops. In fine, to use the Expression of the Psalmist, Your Hearts are unsearchable for Wisdom, and there is no finding out your Understanding. When I consider all this, and compare your Merits with your Preferments, how you came by them, and your behaviour in them, I cannot but think a Standing Army a Collateral Security to your Title to them, and therefore must commend your Policy in promoting it. For by these Kings reign, and Princes decree Justice. These will be our Magistrates, who will not bear the Sword in vain. These, like the Sons of Aaron, will wear their Urim and Thummim on their Backs and Breasts, and will be our Priests, who will hew the Sinners to pieces, as Samuel did Agag, before the Lord in Gilgal. By these you will be able to teach us Passive Obedience, as men having Authority, and not as the Scribes. You will have your Reasons in your Hands against resisting the higher Powers, and will prove your Jus Divinum by the Sword of the Lord and of Gideon.

Your Honours most obedient Slave and Vassal,

A. B. C. D. E. F. G.

An Argument, shewing that a Standing Army is inconsistent with a Free Government, &c.

WHEN I consider what a dismal Scene of Blood and Desolation hath appeared upon the Theatre of Europe during the Growth and Progress of the French Power, I cannot sufficiently applaud and admire our thrice happy Situation, by which we have long enjoy'd an uninterrupted course of Peace and Prosperity, whilst our Neighbouring Nations have been miserably harassed by perpetual War: For lying open to continual Invasion, they can never enjoy Quiet and Security, nor take a sound Sleep, but *Hercules* like, with Clubs in their hands: So that these Halcyon Days which we enjoy amidst such an universal Hurricane, must be solely attributed to our Tutelar God *Neptune*, who with a Guard of winged Coursers so strongly intrenches us, that we may be said to be *mediâ insuperabiles undâ*, and not unprofitably compar'd

par'd to the Earth, which stands fix'd and immoveable, and never to be shaken but by an internal Convulsion. And as Nature has been thus liberal to us in our Situation, so the Luxuriancy of our Soil makes it productive of numerous Commodities fit for Trade and Commerce: And as this Trade renders us Masters of the Silver and Gold of the East and West without our toiling in the Mine, so it breeds us multitudes of able-bodied and skilful Seamen to defend the Treasures they bring home; that even Luxury it self, which has been the Bane and Destruction of most Countries where it has been predominant, may in some measure be esteemed our Preservation, by breeding up a Race of Men amongst us, whose manner of Life will never suffer them to be debauched, or enervated with Ease or Idleness. But we have one thing more to boast of besides all these Felicities, and that is, of being Freemen and not Slaves in this unhappy Age, when an universal Déluge of Tyranny has overspread the face of the whole Earth; so that this is the Ark out of which if the Dove be sent forth, she will find no resting place till her return.

Our Constitution is a limited mix'd Monarchy, where the King enjoys all the Prerogatives necessary to the support of his Dignity, and protection of his People, and is only abridged from the power of injuring his own Subjects: In short, the Man is loose, and the Beast only bound; and our Government may truly be called an Empire of Laws, and not of Men; for every Man has the same right to what he can acquire by his Labour and Industry, as the King hath to his Crown, and the meanest Subject hath his Remedy against him in his Courts at *Westminster*: No Man can be imprisoned, unless he has transgressed a Law of his own making, nor be try'd but by his own Neighbours; so that we enjoy a Liberty scarce known to the *antient Greeks and Romans*.

And lest the extraordinary Power intrusted in the Crown should lean towards Arbitrary Government, or the tumultuary Licentiousness of the People should encline towards a Democracy, the Wisdom of our Ancestors hath instituted a middle State, *viz.* of Nobility, whose Interest it is to trim this Boat of our Commonwealth, and to skreen the People against the Inults of the Prince, and the Prince against the Popularity of the Commons; since if either Extreme prevail so far as to oppress the other, they are sure to be overwhelmed in their ruin. And the meeting of these three States in Parliament is what we call our Government: for without all their Consents no Law can be made, nor a penny of Money levied upon the Subjects;

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so that the King's Necessities do often oblige him to summon this Court, which is the Grand Inquest of the Kingdom, where the People speak boldly their Grievances, and call to account overgrown Criminals, who are above the reach of ordinary Justice; so that the Excellence of this Government consists in the due balance of the several constituent Parts of it; for if either one of them should be too hard for the other two, there is an actual Dissolution of the Constitution; but whilst we can continue in our present Condition, we may without vanity reckon ourselves the happiest People in the world.

But as there is no degree of human Happiness that is not accompanied with some Defects, and the strongest Constitutions are most liable to certain Diseases; so the very Excellence of our Government betrays it to some Inconveniences, the Wheels and Motions of it being so curious and delicate that it is often out of order, and therefore we ought to apply our utmost Endeavours to rectify and preserve it: and I am afraid it is more owing to the accident of our Situation, than to our own Wisdom, Integrity or Courage, that it has yet a Being; when we see most Nations in *Europe* over-run with Oppression and Slavery, where the Lives, Estates and Liberties of the People are subject to the lawless Fancy and Ambition of the Prince, and the Rapine and Insolence of his Officers; where the Nobility, that were formerly the bold Assertors of their Countries Liberty, are now only the Ensigns and Ornaments of the Tyranny, and the People Beasts of Burden, and barely kept alive to support the Luxury and Prodigality of their Masters.

And if we enquire how these unhappy Nations have lost that precious Jewel *Liberty*, and we as yet preserved it, we shall find their Miseries and our Happiness proceed from this, That their Necessities or Indiscretion have permitted a Standing Army to be kept amongst them, and our Situation rather than our Prudence hath as yet defended us from it, otherwise we had long since lost what is the most valuable thing under Heaven. For, as I said before, our Constitution depending upon a due balance between King, Lords and Commons, and that Balance depending upon the mutual Occasions and Necessities they have of one another; if this Cement be once broke, there is an actual Dissolution of the Government. Now this Balance can never be preserved but by a Union of the natural and artificial Strength of the Kingdom, that is, by making the Militia to consist of the same Persons as have the Property; or otherwise the Government is violent and against nature, and cannot possibly continue, but the Constitution must either break the Army,

my, or the Army will destroy the Constitution: for it is universally true, that where-ever the Militia is, there is or will be the Government in a short time; and therefore the Institutors of this Gothick Balance (which was established in all parts of Europe) made the Militia to consist of the same Parts as the Government, where the King was General, the Lords by virtue of their Castles and Honours the great Commanders, and the Freeholders by their Tenures the Body of the Army; so that it was next to impossible for an Army thus constituted to act to the disadvantage of the Constitution, unless we could suppose them to be Felons *de se*. And here I will venture to assert that upon no other Foundation than this, can any Nation long preserve its Freedom, unless some very particular Accidents contribute to it; and I hope I shall make it appear, that no Nation ever preserved its Liberty, that maintained an Army otherwise constituted within the Seat of their Government: and let us flatter our selves as much as we please, what happened yesterday, will come to pass again; and the same Causes will produce like Effects in all Ages.

And here I can't avoid taking notice of some Gentlemen who a few years since were the pretended Patriots of their Country, who had nothing in their Mouths but the sacred Name of *Liberty*, who in the late Reigns could hardly afford the King the Prerogative that was due to him, and which was absolutely necessary to put in motion this Machine of our Government, and to make the Springs and Wheels of it act naturally, and perform their Function: I say, these Gentlemen that could not with patience hear of the King's ordinary Guards, can now discourse familiarly of twenty thousand Men to be maintained in times of Peace; and the odious Excuse they give for this infamous Apostacy is, That if they should not gratify the Court in this modest Request, another Party would be carested who will grant this, or any thing else which is asked, and then they say matters will be much worse; as if Arbitrary Government was a different thing in their hands, from what it is in others, or that the Lineaments and Features of Tyranny would become graceful and lovely when they are its *Valet de Chambres*. But let them not deceive themselves, for if they think to make their Court this way, they will quickly find themselves outflattered by the Party they fear, who have been long the Darlings of Arbitrary Power, and whose Principles as well as Practices teach them to be Enemies to all the legal Rights, and just Liberties of their native Country; and so these wretched Bunglers will be made use of only to bring together the Materials of Tyranny,

Tyranny, and then must give place to more expert Architects to finish the building.

And tho' we are secure from any Attempts of this kind during the Reign of a Prince who hath rescued us from a Captivity equal to what *Moses* redeemed the People of *Israel* from: A Prince whose Life is so necessary to the preservation of *Europe*, that both Protestant and Popish Princes have forgot their ancient Maxims, and laid aside their innate Animosities, and made it their common Interest to chuse him their Patron and Protector: A Prince in whom we know no Vices but what have been esteemed Virtues in others, *viz.* his undeserved Clemency to his Enemies, and his exposing too much that Life upon which depends not only our Safety, but the Liberties of all *Europe*, and the Protestant Religion through the World: I say, was this most excellent Prince to be immortal (as his Great and Glorious Actions) we ought in common prudence to abandon all thoughts of Self-preservation, and wholly to rely on his Care and Conduct. But since no Virtue nor pitch of Glory will exempt him from paying the common Debt to nature; and Death hath a Sythe which cuts off the most noble Lives; we ought not to intrust any Power with him, which we don't think proper to be continued to his Successors. And doubtless our great Benefactor will not regret this, or any thing else that can reasonably be demanded in order to compleat that Deliverance so far advanced by his invincible Courage and Conduct. For to set us, like *Moses*, within view of the promised Land, with a *ne plus ultra*, is the greatest of all human Infelicities; and such I shall always take our Case to be, whilst a Standing Army must be kept up to prey upon our Entrails, and which must in the hands of an ill Prince (which we have the misfortune frequently to meet with) infallibly destroy our Constitution. And this is so evident and important a Truth, that no Legislator ever founded a Free Government, but avoided this *Caribdis*, as a Rock against which his Commonwealth must certainly be shipwrack'd, as the *Israelites*, *Athenians*, *Corinthians*, *Achaians*, *Lacedemonians*, *Thebans*, *Samnites* and *Romans*; none of which Nations whilst they kept their Liberty were ever known to maintain any Soldier in constant pay within their Cities, or ever suffered any of their Subjects to make War their Profession; well knowing that the Sword and Sovereignty always march hand in hand: and therefore they trained their own Citizens and the Territories about them perpetually in Arms, and their whole Commonwealths by this means became so many several formed Militias: A general Exercise of the
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best of their People in the use of Arms was the only Bulwark of their Liberties; this was reckon'd the surest way to preserve them both at home and abroad, the People being secured thereby as well against the domestick Affronts of any of their own Citizens, as against the foreign Invasions of ambitious and unruly Neighbours. Their Arms were never lodg'd in the hands of any who had not an Interest in preserving the publick Peace, who fought *pro aris & focis*, and thought themselves sufficiently paid by repelling Invaders, that they might with freedom return to their own Affairs. In those days there was no difference between the Citizen, the Soldier, and the Husbandman, for all promiscuously took Arms when the publick Safety required it, and afterwards laid them down with more alacrity than they took them up: So that we find amongst the *Romans* the best and bravest of their Generals came from the Plough, contentedly returning when the Work was over, and never demanded their Triumphs till they had laid down their Commands, and reduced themselves to the state of private men. Nor do we find that this famous Common-wealth ever permitted a Deposition of their Arms in any other hands, till their Empire increasing, Necessity constrained them to erect a constant stipendiary Soldiery abroad in foreign parts, either for the holding or winning of Provinces: Then Luxury increasing with Dominion, the strict Rule and Discipline of Freedom soon abated, and Forces were kept up at home, which soon prov'd of such dangerous consequence, that the People were forced to make a Law to employ them at a convenient distance; which was, that if any General marched over the River *Rubicon*, he should be declar'd a publick Enemy: and in the Passage of that River this following Inscription was erected; *Imperator sine miles, sine Tyrannus armatus quisquis sistito, vexillum armaq; deponito, nec citra hunc annum trajicito*: and this made *Cesar* when he had presumed to pass this River, to think of nothing but pressing on to the total Oppression of that glorious Empire.

Nor, as I said before, did any Nation deviate from these Rules but they lost their Liberty; and of this kind there are infinite Examples, out of which I shall give a few in several Ages, which are most known, and occur to every ones reading.

The first Example I shall give is of *Pisistratus*, who artificially prevailing with the *Athenians* to allow him fifty Guards for the defence of his Person, he so improv'd that Number, that he seiz'd upon the Castle and Government, destroy'd the Commonwealth, and made himself Tyrant of *Athens*.

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The *Corinthians* being in apprehension of their Enemies, made a Decree for four hundred Men to be kept to defend their City, and gave *Tymophanes* the Command over them, who overturned their Government, cut off all the principal Citizens, and proclaim'd himself King of *Corinth*.

Agathocles being Captain-General of the *Syracusians*, got such an Interest in the Army, that he cut all the Senators to pieces, and the richest of the People, and made himself their King.

The *Romans* for fear of the *Teutones* and *Cimbri*, who like vast Inundations threaten'd their Empire, chose *Marius* their General, and, contrary to the Constitution of their Government, continued him five years in his Command, which gave him such opportunity to insinuate, and gain an Interest in their Army, that he oppress'd their Liberty: and to this were owing all the Miseries, Massacres and Ruins which that City suffer'd under him and *Sylla*, who made the best Blood in the world run like water in the Streets of *Rome*, and turn'd the whole City into a Shambles of the Nobility, Gentry and People.

The same thing enabled *Cesar* totally to overthrow that famous Commonwealth; for the Prolongation of his Commission in *Gaul* gave him an opportunity to debauch his Army, and then upon a pretended disgust he march'd to *Rome*, drove out the Senators, seiz'd the Treasury, fought their Forces, and made himself perpetual Dictator.

Olivarotto di Fermo desired leave of his fellow-Citizens, that he might be admitted into their Town with a hundred Horse of his Companions; which being granted, he put to the Sword all the principal Citizens, and proclaim'd himself their Prince.

Francis Sforza being General of the *Milanese*, usurp'd upon them, and made himself Duke of *Milain*.

After *Christiern* the Second, King of *Denmark*, had conquer'd *Sweden*, he invited all the Senators and Nobility to a magnificent Entertainment, where after he had treated them highly for two days, he most barbarously butcher'd them: None escap'd this Massacre but the brave *Gustavus Ericson*, who was then a Prisoner; but he afterwards escaping through a thousand difficulties, by his good Fortune, Courage and Conduct, drove the *Danes* out of *Sweden*, and restor'd the *Swedes* to their ancient Kingdom. Nothing then was thought too great for their generous Deliverer, every Mouth was full of his Praises, and by the universal Voice of the People he was chosen their King: and to consummate the last Testimony of their Gratitude, they trusted him with an Army: but they soon found their Mistake,

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for it cost them their Liberty; and having granted that *unum magnum*, it was too late to dispute any thing else: His Successors having been pleased to take all the rest, and now they remain the miserable Examples of too credulous Generosity.

The Story of *Denmark* is so generally known, and so well related by a late excellent Author, that it would be Impertinence in me to repeat it: only this I will observe, that if the King had not had an Army at his Command, the Nobles had never beliver'd up their Government.

Our Country man *Oliver Cromwel* turn'd out that Parliament under which he serv'd, and who had got immortal Honor through the whole World by their great Actions; and this he effected by the assistance of an Army, which must be allowed to have had as much Virtue, Sobriety, and publick Spirit, as hath been known in the World since amongst that sort of Men.

The last Instance I shall give, is of a French Colony, as I remember in the *West-Indies*, who having War with the neighbouring *Indians*, and being tired in their March with the extremity of heat, made their Slaves carry their Arms, who taking that opportunity fell upon them, and cut them to pieces: a just Punishment for their Folly. And this will always be the fate of those that trust their Arms out of their own hands: for it is a ridiculous Imagination to conceive Men will be Servants, when they can be Masters. And as Mr. *Harrington* judiciously observes, Whatever Nation suffers their Servants to carry their Arms, their Servants will make them hold their Trenchers.

Some People object, that the Republicks of *Venice* and *Holland* are Instances to disprove my Assertion, who both keep great Armies, and yet have not lost their Liberty. I answer, that neither keep any standing Forces within the Seats of their Government, that is, within the City of *Venice*, or the great Towns of the United Provinces; but they defend these by their own Burghers, and quarter their Mercenaries in their conquered Countries, viz. the *Venetians* in *Greece*, and the Continent of *Italy*, and the *Dutch* in *Brabant* and *Flanders*: and the situation of these States makes their Armies, so posted, not dangerous to them; for the *Venetians* cannot be attack'd without a Fleet, nor the *Dutch* be ever conquer'd by their own Forces, their Country being so full of strong Towns, fortified both by Art and Nature, and defended by their own Citizens, that it would be a fruitless Attempt for their own Armies to invade them; for if they should march against any of their Cities, 'tis but shutting up their Gates, and the Design is spoiled.

But if we admit that an Army might be consistent with freedom

dom in a Commonwealth, yet it is otherwise in a free Monarchy; for in the former 'tis wholly in the disposal of the People who nominate, appoint, discard, and punish the Generals and Officers as they think fit, and 'tis certain Death to make an Attempt upon their Liberties; whereas in the latter, the King is perpetual General, may model the Army as he pleases, and it will be called High-Treason to oppose him.

And tho' some Princes, as the Family of the *Medices*, *Lewis* the *XIth*, and others laid the Foundation of their Tyrannie without the immediate assistance of an Army, yet they all found an Army necessary to establish them; or otherwise a little experience in the People of the change of their Condition, would have made them disgorge in a day that ill-gotten Power they had been acquiring for an Age.

This Subject is so self-evident, that I am almost ashamed to prove it: for if we look through the World, we shall find in no Country, Liberty and an Army stand together; so that to know whether a People are free or Slaves, it is necessary only to ask, Whether there is an Army kept amongst them? and the Solution of that preliminary Question resolves the Doubt: as we see in *China*, *India*, *Tartary*, *Persia*, *Ethiopia*, *Turkey*, *Morocco*, *Muscovy*, *Austria*, *France*, *Portugal*, *Denmark*, *Sweden*, *Tuscany*, and all the little Principalities of *Germany* and *Italy*, where the People live in the most abandoned Slavery; and in Countries where no Armies are kept within the Seat of their Government, the People are free, as *Poland*, *Biscay*, *Switzerland*, the *Grisons*, *Venice*, *Holland*, *Genoa*, *Geneva*, *Ragusa*, *Algiers*, *Tunis*, *Hamborough*, *Lubeck*, all the free Towns in *Germany*, and *England* and *Scotland* before the late Reigns. This Truth is so obvious, that the most barefac'd Advocates for an Army do not directly deny it, but qualify the matter by telling us, that a Number not exceeding fifteen or twenty thousand Men are a handful to so populous a Nation as this: Now I think that Number will bring as certain Ruin upon us, as if they were as many Millions, and I will give my Reasons for it.

It's the misfortune of all Countries, that they sometimes lie under an unhappy necessity to defend themselves by Arms against the Ambition of their Governours, and to fight for what's their own; for if a Prince will rule us with a Rod of Iron, and invade our Laws and Liberties, and neither be prevailed upon by our Miseries, Supplications, or Tears, we have no Power upon Earth to appeal to, and therefore must patiently submit to our Bondage, or stand upon our own Defence; which if we are enabled to do, we shall never be put upon it,

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but our Swords may grow rusty in our hands : for that Nation is surest to live in Peace, that is most capable of making War ; and a Man that hath a Sword by his side, shall have least occasion to make use of it. Now I say, if the King hath twenty thousand Men before hand with us, or much less than half that Number, the People can make no Effort to defend their Liberties without the Assistance of a Foreign Power, which is a Remedy most commonly as bad as the Disease ; and if we have not a Power within our selves to defend our Laws, we are no Government.

For *England* being a small Country, few strong Towns in it, and those in the King's Hands, the Nobility disarmed by the destruction of Tenures, and the Militia not to be raised but by the King's Command, there can be no Force levied in any part of *England*, but must be destroy'd in it's Infancy by a few Regiments : For what will three or four thousand naked unarm'd Men signify against as many Troops of mercenary Soldiers ? What if they should come into the Field, and say you must choose these and these Men your Representatives ; where is your Choice ? What if they should say, Parliaments are seditious and factious Assemblies, and therefore ought to be abolished ; What is become of your Freedom ? Or if they should encompass the Parliament-House, and threaten if they do not surrender up their Government, they will put them to the Sword ; What is become of the old English Constitution ? These things may be, and have been done in several parts of the World. What is it that causeth the Tyranny of the *Turks* at this day, but Servants in Arms ? What is it that preserv'd the glorious Commonwealth of *Rome*, but Swords in the hands of its Citizens ?

And if besides this, we consider the great Prerogatives of the Crown, and the vast Interest the King has and may acquire by the distribution of so many profitable Offices of the Household, of the Revenue, of State, of Law, of Religion, and the Navy, together with the Assistance of a powerful Party, who have been always the fast and constant Friends to Arbitrary Power, whose only Quarrel to his present Majesty is, that he has knock'd off the Chains and Fetters they thought they had lock'd fast upon us ; a Party, who hath once engag'd us in an unhappy Quarrel amongst our selves (the consequence of which I dread to name) and since in a tedious and chargeable War, at the vast expence of Blood and Treasure, to avoid that Captivity they had prepar'd for us : I say, if any one considers this, he will be convinced that we have enough

to do to guard our selves against the Power of the Court, without having an Army thrown into the Scale against us: and we have found oftner than once by too fatal Experience the truth of this; for if we look back to the late Reigns, we shall see this Nation brought to the brink of Destruction, and breathing out the last gasp of their Liberty; and it is more owing to our good Fortune, than to any Effort we were able to make, that we escaped the fatal Blow.

And I believe no man will deny, but if *Charles* the First had had five thousand men before-hand with us, the People had never struck a stroke for their Liberties; or if the late King *James* would have been contented with Arbitrary Power without bringing in Popery, but he and his black Guard would have bound us hand and foot before this time: but when their ill-contrived Oppression came home to their own doors, they quickly shew'd the World how different a thing it was to suffer themselves, and to make other people suffer, and so we came by our Deliverance; and tho' the late King had the Nobility, Gentry, Clergy, People, and his own Army against him, and we had a very wise and couragious Prince nearly related to the Crown, and back'd by a powerful State, for our Protector, yet we account this Revolution next to a Miracle.

I will add here, that most of the Nations I instanced before were enslaved by small Armies: *Oliver Cromwel* left behind him but 27000 Men; and the Duke of *Monmouth*, who was the Darling of the People, was suppress'd with two thousand; nay, *Cesar* seiz'd *Rome* it self with five thousand, and fought the Battle of *Pharsalia*, where the fate of the World was decided, with twenty two thousand; and most of the Revolutions of the Roman and Ottoman Empires since were caused by the Pretorian Bands, and the Court-Janizaries; the former of which never exceeded eight, nor the latter twelve thousand Men. And if no greater Numbers could make such Disturbances in those vast Empires, what will double the Force do with us? And they themselves confess it, when they argue for an Army; for they tell us we may be surprized with ten or fifteen thousand Men from *France*, and having no regular Force to oppose them, they will over-run the Kingdom. Now if so small a Force can oppose the King, the Militia, with the united Power of the Nobility, Gentry and Commons, what will an equal Power do against the People, when supported by the Royal Authority, and a never-failing Interest that will attend it, except when it acts for the Publick Good?

But we are told this Army is not design'd to be made a
part

part of our Constitution, but to be kept only for a little time, till the Circumstances of *Europe* will better permit us to be without them. But I would know of these Gentlemen, when they think that time will be? Will it be during the Life of King *James*, or after his Death? Shall we have less to fear from the Youth and Vigor of the pretended Prince of *Wales*, than now from an unhappy Man sinking under the load of Age and Misfortunes? Or will *France* be more capable of offending us just after this tedious and consumptive War, than hereafter when it has had a breathing time to repair the Calamities it has suffer'd by it? No: we can never disband our Army with so much safety as at this time; and this is well known by these Conspirators against their Country, who are satisfied that a Continuation of them now, is an Establishment of them for ever: for whilst the Circumstances of *Europe* stand in the present Posture, the Argument will be equal to continue them; if the State of *Europe* should alter to the advantage of *France*, the Reason will grow stronger, and we shall be told we must increase our number: but if there should be such a turn of Affairs in the World, that we were no longer in apprehension of the French Power, they may be kept up without our assistance; nay, the very Discontents they may create shall be made an Argument for the continuing of them. But if they should be kept from oppressing the People, in a little time they will grow habitual to us, and almost become a part of our Constitution, and by degrees we shall be brought to believe them not only not dangerous, but necessary; for every body sees, but few understand; and those few will never be able to persuade the Multitude that there is any danger in those men they have lived quietly with for some years, especially when the disbanding them will (as they will be made believe) cost them more money out of their own pockets than to maintain a Militia; and of this we have had already an unhappy experience. For *Charles* the Second being conniv'd at in keeping a few Guards (which were the first ever known to an English King besides his Pensioners, and his Beef-eaters) he insensibly increased their number, till he left a body of men to his Successor great enough to tell the Parliament, he would be no longer bound by the Laws he had sworn to; and under the Shelter and Protection of these he raised an Army that had put a period to our Government, if a Complication of Causes (which may never happen again) had not presented the Prince of *Orange* with a Conjuncture to assert his own and the Nation's Rights. And tho' we have so lately escaped this Precipice, yet habit has made Soldiers so familiar to us, that some

who pretend to be zealous for Liberty, speak of it as a hardship to his present Majesty, to refuse him as many men as his Predecessors, not considering that the raising them then was a violation of our Laws, and that his Government is built upon the destruction of theirs, and can no more stand upon the same rubbish, than the Kingdom of Heaven be founded in Unrighteousness.

But the Conspirators say, we need be in no apprehensions of Slavery whilst we keep the Power of the Purse in our own hands: which is very true; but they do not tell us, that he has the power of raising Money, to whom no one dares refuse it.

*Arma tenenti
Omnia dat qui justa negat.*

For 'tis as certain that an Army will raise Money, as that Money will raise an Army; but if this course be too desperate, 'tis but shutting up the *Exchequer*, and disobliging a few Tally-Jobbers (who have bought them for fifty *per Cent.* discount) and there will be near three Millions a year ready cut and dry'd for them: and whoever doubts whether such a Method as this is practicable, let him look back to the reign of *Charles the Second*. And I am afraid the Officers of the *Exchequer* have not much reason to value themselves for their Payments in this Reign: at least the Purchasers of the Annuities are of that opinion, and would be apt to entertain some unseasonable Suspicions, if they had not greater security from his Majesty's Virtue, than the Justice of such Ministers. But if we could suppose (whatever is the fate of other Countries) that our Courtiers design nothing but the publick Good, yet we ought not to hazard such unusual Virtue, by leading it into temptation, which is part of our daily Duty to pray against. But I am afraid we don't live in an age of Miracles, especially of that sort; our Heroes are made of a coarser Allay, and have too much Dross mix'd with their Constitutions for such refin'd Principles: for in the little experience I have had in the world, I have observed most men to do as much mischief as lay in their Power, and therefore am for dealing with them as we do with Children and mad men, that is take away all Weapons by which they may do either themselves or others an injury: And I think the Sheep in *Boccaline* made a prudent Address to *Apollo*, when they desired, that for the future Wolves might have no teeth.

When all other Arguments fail, they call to their assistance the old Tyrant Necessity, and tell us the Power of France is so great,

great, that let the consequence of an Army be what it will, we cannot be without one; and if we must be Slaves, we had better be so to a Protestant Prince than a Popish one, and the worst of all popish ones the F — King. Now I am of Mr. *Johnson's* Opinion, that the putting an Epithet upon Tyranny is false Heraldry; for Protestant and Popish are both alike; and if I must be a Slave, it is very indifferent to me who is my Master, and therefore I shall never consent to be ruled by an Army, which is the worst that the most barbarous Conquest can impose upon me; which notwithstanding we have little reason to fear whilst we keep the Seas well guarded.

It is certain there is no Country so situated for Naval Power as *England*. The Sea is our Element, our Seamen have as much hardy bravery, and our Ships are as numerous, and built of as good Materials as any in the world: Such a Force well applied and managed is able to give Laws to the Universe; and if we keep a competent part of it well arm'd in times of Peace, it is the most ridiculous thing in nature to believe any Prince will have thoughts of invading us, unless he proposes to be superior to us in Naval Power: For the Preparations necessary for such an Undertaking will alarm all *Europe*, give both to us and our Confederates time to arm, and put our selves in a posture of defence. And whoever considers that the Prince of *Orange* with six hundred Ships brought but fourteen thousand Men, and the mighty Spanish Armada (then the terror of the World) imbar'd but eighteen thousand, he will be assur'd that no Invasion can be so sudden upon us, but we shall have time to get ready our whole Fleet, bring some Forces from *Holland* and *Ireland*, and prepare our own Militia if there shall be occasion for it; especially in times of Peace when we shall have the liberty of all the Ports of *France*, and shall or may have intelligence from every one of them.

But they tell us such a wind may happen as may be favourable to our Enemy, and keep us within our own Ports; which I say, as *France* lies to *England*, is almost impossible: for if we lie about *Falmouth*, or the Land's end, no Fleet from *Brest* or the Ocean can escape us without a Miracle; and if the design be to invade us from any Port in the Channel, a very few Ships (which may safely lie at Anchor) will certainly prevent it: nor is it to be conceived that that cautious Prince will be at a vast Expence for the contingency of such a critical wind, or will send an Army into a Country where their Retreat is certainly cut off, when the sailing in any part of his Design will bring a new War upon him, which ately cost a third part of his People, a

great many large Countries and strong Towns, with all the Honor he had heaped up by his former Victories, to get rid of.

And here I must confess, that the misapplication of our Naval Force (which is our own Strength) for these last eight years, is the strongest, as it is the most usual Argument against me: which unriddles a Mystery I did not understand before, tho' I never was so foolish as to believe all the Errors of that kind were the effects of chance or ignorance, or that losing so many Opportunities of destroying the French Fleet had not some extraordinary, tho' occult Cause; and yet notwithstanding the restless Attempts of our Enemies, and the paltry Politicks of our own wretched St——n, this Fleet triumphantly defended us, so that our Enemies in eight years War could not get one opportunity of invading our Country.

It's objected, that the Officers of our Fleet may be corrupted, or that a Storm may arise which may destroy it all at once, and therefore we ought to have two strings to our Bow. By which I perceive all their Fears lie one way, and that they do not care if they precipitate us into inevitable Ruin at home, to prevent a distant Possibility of it from *France*. But I think this Phantom too may be hid by a well-train'd Militia, and then all their Bugbears will vanish. This word can be no sooner out, but there's a volley of small Shot let fly at me: What! must we trust our Safety to an undisciplin'd Mob, who never dream'd of fighting when they undertook the Service; who are not inured to the Fatigue of a Camp, or ever saw the Face of an Enemy? And then they magnify mercenary Troops; as if there was an intrinsic Virtue in a red Coat, or that a Raggamuffin from robbing of Henroosts, in two Campaigns could be cudgel'd into a Hero. Tho' I must confess the Conduct of the Court in industriously enervating this Force, does in some measure justify their Objections: For the detestable Policies of the last Reigns were with the utmost art and application to disarm the People, and make the Militia useless, to countenance a Standing Army in order to bring in Popery and Slavery; and if any Methods were proposed to make it more serviceable, the Court would never suffer them to be debated; and such Officers as were more zealous in exercising their Companies than others, were reprimanded, as if they design'd to raise a Rebellion. And now the worthy Patriots of this Reign are taking advantage of the traitorous Neglect and infamous Policies of the last. But why may not a Militia be made useful? Why may not the Nobility, Gentry, and Freeholders of *England* be trusted with the defence of their own Lives,

Lives, Estates and Liberties, without having Guardians and Keepers assign'd them? And why may they not defend them with as much Vigor and Courage as Mercenaries who have nothing to lose, nor any other Tie to engage their Fidelity, than the inconsiderable pay of Six-pence a day, which they may have from the Conqueror?

Why may not the Laws for shooting in Crossbows be changed into Firelocks, and a competent Number of them be kept in every Parish for the young men to exercise with on Holidays, and Rewards offered to the most expert, to stir up their Emulation?

Why may not the whole Militia of *England* be reduced to sixty thousand, and a third part of those kept by turns in constant Exercise?

Why may not a man be list'd in the Militia till he be discharged by his Master, as well as in the Army till he be discharged by his Captain? And why may not the same Horse be always sent forth, unless it can be made appear he is dead or maimed?

Why may not the private Souldiers of the Army, when they are dispersed in the several parts of the Kingdom, be sent to the Militia? And why may not the inferiour Officers of the Army in some proportion command them?

I say, these and other like things may be done, and some of them are done in our own Plantations, and the Islands of *Fer-sey* and *Guernsey*, as also in *Poland*, *Switzerland*, and the Country of the *Grisons*; which are Nations much less considerable than *England*, have as formidable Neighbours, no Sea nor Fleet to defend them, nothing but a Militia to depend upon, and yet no one dares attack them. And we have seen as great Performances done formerly by the Apprentices of *London*, and in the late War by the *Vaudois* in *Savoy*, the *Miquelets* in *Catalonia*, and the Militia in *Ireland*, as can be parallel'd in History: And so it would be with us, if the Court would give their hearty assistance in promoting this Design; if the King would appear in person at the Head of them, and give Rewards and Honor to such as deserve them, we should quickly see the young Nobility and Gentry appear magnificent in Arms and Equipage, shew a generous Emulation in outvying one another in Military Exercises, and place a noble Ambition in making themselves serviceable to their Country: as antiently the *Achaïans* and *Thebans* from being the most contemptible Nations in *Greece*, by the Conduct of *Pelopidas*, *Epaminondas*, and *Philopemen*, came to have the best disciplin'd Troops and most excellent Soldiers in the world.

They object, that such a Militia as this is a standing Army, and will be as dangerous, and much more chargeable. I answer ;

That there can be no danger from an Army where the Nobility and chief Gentry of *England* are the Commanders, and the Body of it made up of the Freeholders, their Sons and Servants ; unless we can conceive that the Nobility and Gentry will join in an unnatural Design to make void their own Titles to their Estates and Liberties : and if they could entertain so ridiculous a Proposition, they would never be obeyed by the Soldiers, who will have respect to those that send them forth and pay them, and to whom they must return again when their time is expired. For if I send a Man, I will as surely choose one who shall fight for me, as a Mercenary Officer will choose one that shall fight against me ; and the late Governments are Witnesses to the truth of this, who debauched the Militia more than ever I hope to see it again, and yet durst never rely upon them to assist their Arbitrary Designs ; as we may remember in the Duke of *Monmouth's* Invasion, their Officers durst not bring them near his Army for fear of a Revolt. Nay, the Pensioner-Parliament themselves turn'd short upon the Court, when they expected them to give the finishing stroke to our ruin.

To the last part of the Objection, That this Militia will be more chargeable than an Army ; I answer, That since (as I suppose) no man proposes wholly to lay them aside ; if we add the extraordinary Expence of maintaining twenty thousand men to the ordinary Charge of the Militia, it is much more than sufficient to make the latter useful. But if this Objection were true, it ought not to enter into competition with the Preservation of our Laws and Liberties ; for it is better to give a third part of my Estate, if it were necessary, than to have all taken from me.

And tho' it should be granted, that a Militia is not as serviceable as an Army kept to constant Discipline, yet I believe these Gentlemen themselves will confess, that sixty thousand of them trained as before, are as good as twenty thousand of their standing Troops, which is the Question ; for 'tis impossible to have them both useful at the same time, they being as incompatible as broad and clipt Money, never current together ; and therefore the Court must depend wholly upon a Militia, or else they will not depend upon them at all. And this by the way may silence that Objection, that we must keep our Army till the Militia be disciplin'd ; for that will never be done whilst the

the Court has an Army : and the same Objection will be made seven years hence as now ; so that a small Army can be of no use to us, but to make our Fleet neglected, to hinder the Militia from being trained, and enslave us at home : for they are too few to defend us against an Invasion, and too many for the People to oppose.

I dare speak with the greater assurance upon this Subject, having the Authority of as great Men as the World hath produced for my justification. *Macchiavel* spends several Chapters to prove, that no Prince or State ought to suffer any of their Subjects to make War their Profession, and that no Nation can be secure with any other Forces than a settled Militia. My Lord *Bacon* in several places bears his Testimony against a Standing Army, and particularly he tells us, that a Mercenary Army is fittest to invade a Country, but a Militia to defend it ; because the first have Estates to get, and the latter to protect. Mr. *Harrington* hath founded his whole *Oceana* upon a trained Militia ; and I have lately read a French Book, called a History of the Politicks of *France*, which says, *Enfin si on veut ruiner Les Anglois il suffit de les obliger a tenir des Troupes sur pied*. Nay I believe no Author ever treated of a Free Government, that did not express his Abhorrence of an Army ; for (as my Lord *Bacon* says) whoever does use them, tho' he may spread his Feathers for a time, he will mew them soon after : and raise them with what design you please, yet, like the *West-India* Dogs in *Boccaline*, in a little time they will certainly turn Sheep-biters.

Perhaps it will be said, that the Artillery of the World is changed since some of these wrote, and War is become more a Mystery, and therefore more Experience is necessary to make good Soldiers. But wherein does this Mystery consist ? not in exercising a Company, and obeying a few words of Command ; these are Mysteries that the dullest Noddle will comprehend in a few Weeks. Nay, I have heard that the Modern Exercise is much shorter and easier than the Antient. But the great Improvements in War are in regular Encampments, Fortification, Gunnery, skilful Engineering, &c. These are Arts not to be learn'd without much Labour and Experience, and are as much gained in the Closet as in the Field ; and I suppose no Man will say, that the keeping standing Forces is necessary to make a good Engineer.

As to actual Experience in War, that is not essential either to a Standing Army or Militia, as such ; but the former may be without it, and the latter gain it according as they have opportunities of action. 'Tis true at present the Army hath been trained

up in a long War, and hath gained great Knowledge: but these men will not be lost when they are disbanded, they will be still in *England*; and if the Parliament does give them a Gratuity suitable to the Service they have done their Country, they will be ready to resume their Arms whenever occasion offers.

But I desire to know of these Patriots, how comes an Army necessary to our Preservation now, and never since the Conquest before? Did ever the prevailing Party in the Wars of *Tork* and *Lancaster* attempt to keep up a Standing Army to support themselves? No; they had more Sense than to Sacrifice their own Liberty, and more Honour than to enslave their Country, the more easily to carry on their own Faction. Were not the *Spaniards* as powerful, as good Soldiers, and as much our Enemies, as the *French* are now? Was not *Flanders* as near us as *France*? and the Popish Interest in Queen *Elizabeth's* time as strong as the Jacobite is now? and yet that most excellent Princess never dream'd of a Standing Army, but thought her surest Empire was to reign in the Hearts of her Subjects, which the following story sufficiently testifies. When the Duke of *Alanson* came over to *England*, and for some time had admired the Riches of the City, the Conduct of her Government, and the Magnificence of her Court, he asked her amidst so much Splendor, where were her Guards? which Question she resolv'd a few days after as she took him in her Coach through the City, when pointing to the People (who received her in Crowds with repeated Acclamations) These, said she, my Lord, are my Guards; These have their Hands, their Hearts, and their Purse always ready at my Command: and these were Guards indeed, who defended her through a long and successful Reign of 44 years against all the Machinations of *Rome*, the Power of *Spain*, a disputed Title, and the perpetual Conspiracies of her own Popish Subjects; a Security the Roman Emperors could not boast of with their Pretorian Bands, and their Eastern and Western Armies.

Were not the *French* as powerful in *Charles the Second* and *King James* his time, as they are after this long and destructive War, and a less Alliance to oppose them? and yet we then thought a much less Army than is now contended for, a most insupportable Grievance; insomuch that in *Charles the Second's* Reign the Grand Jury presented them, and the Pensioner Parliament voted them to be a Nuisance, sent Sir *Jos. W——* to the Tower for saying, the King might keep Guards for the Defence of his Person, and address'd to have them disbanded. And now our Apostates would make their cour

y doing what the worst Parliament ever *England* saw could or think of without Horror and Confusion. They say the King of *France* was in League with our late Kings, so he is with us; and he would have broke it then, if he had thought safe, and for his Interest, as much as now. But they say we have more disaffected Persons to join with him; which I must deny, for I believe no King of *England* in any Age had deservedly more Interest than the present; and if during such an extensive War, in which we have consumed so much Blood and Treasure, paid such vast and unequal Taxes, lost so many thousand Ships, and bore a Shock by recoining our Money, which would have torn up another Nation from its Foundation, and reduced it to its antient Chaos, when most Countries would have sunk under the Misfortune, and repined at their Deliverance (as men in sickness commodly quarrel with their dearest friends) I say, if at that time he had so great and universal an Interest, there can be no doubt but in times of Peace, when the People reap the Fruits of that Courage and Conduct he hath shewn in their Defence, he will be the most beloved and glorious Prince that ever filled the English Throne.

I will make one Assertion more, and then conclude this Discourse, *viz.* That the most likely way of restoring King *James*, is maintaing a Standing Army to keep him out.

For the King's Safety stands upon a Rock whilst it depends upon the solid Foundation of the Affections of the People; which is never to be shaken till 'tis as evident as the Sun in the Firmament, that there is a formed Design to overthrow our Laws and Liberties; but if we keep a standing Army, all depends upon the uncertain and capricious Humours of the Soldier, which in all Ages have produced more violent and sudden Revolutions, than ever have been known in unarmed Governments: For there is such a Chain of dependence amongst them, that if two or three of the Chief Officers should be disabled, or have Intrigues with Jacobite Mistresses; or if the King of *France* could once again buy his Pensioners into the Court or Army, or offer a better Market to some that are already, we shall have another rehearsal Revolution, and the People be only idle Spectators of their own ruin. And whosoever considers the Composition of an Army, and doubts this, let him look back to the Roman Empire, where he will find out of twenty six Emperors, sixteen deposed and murdered by their own Armies; nay, half the History of the World is made up of Examples of this kind: but we need not go any farther than our own Country, where we have but twice kept Armies

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in times of Peace, and both times they turn'd out their own Masters. The first under *Cromwel*, expell'd that Parliament under which they had fought successfully for many years; afterwards under General *Monk* they destroy'd the Government they before set up, and brought back *Charles* the Second; and he afterwards disbanded them lest they might have turned him out again. The other Instance is fresh in every one's memory, how King *Jarvis's* Army join'd with the Prince of *Orange*, now our rightful and lawful King. And what could have been expected otherwise from men of dissolute and debauched Principles, who call themselves Soldiers of Fortune? who make murder their Profession, and enquire no farther into the justice of the Cause, than how they shall they be paid; who must be false, rapacious and cruel in their own defence? For having no other Profession or Subsistence to depend upon, they are forced to stir up the Ambition of Princes, and engage them in perpetual Quarrels, that they may share of the Spoils they make. Such Men, like some sort of ravenous Fish, fare best in a Storm; and therefore we may reasonably suppose they will be better pleased with the tyrannical Government of the late King, than the mild and gracious Administration of his present Majesty, who came over to *England* to rescue us from Oppression, and he has done it, and triumphs in it in spite of his Enemies.

In this Discourse I have purposely omitted speaking of the lesser Inconveniences attending a Standing Army, such as frequent Quarrels, Murders and Robberies; the destruction of all the Game in the Country; the quartering upon publick, and sometimes private Houses; the influencing Elections of Parliament by an artificial distribution of Quarters; the rendering so many Men useless to labour, and almost propagation, together with a much greater destruction of them, by taking them from a laborious way of living to a loose idle life; and besides this, the Insolence of the Officers, and the Debaucheries that are committed both by them and their Soldiers in all the Towns they come in, to the ruin of multitudes of Women, Dishonour of their Families, and ill Example to others; and a numerous train of Mischiefs besides, almost endless to enumerate. These are trivial as well as particular Grievances in respect of those I have treated about, which strike at the Heart's-blood of our Constitution, and therefore I thought these not considerable enough to bear a part in a Discourse of this nature: Besides, they often procure their own Remedy, working Miracles, and making some men see that were born blind, and impregnable against all the Artillery of Reason; for Experience

ience is only the Mistress of Fools: A wise man will know a Pike will bite when he sees his Teeth, which another will not make discovery of but by the loss of a Finger.

What I have said here against Standing Armies, I would be understood of such as are the Instruments of Tyranny and their Country's Ruin, and therefore I need make no Apology to our own which was raised by the Consent of the Parliament in this just and necessary War, and next unto God and our Great and Glorious Deliverer, have by their Bravery and Conduct preserved our Liberties, and the Protestant Religion through *Europe*. For if in future Reigns any Designs should be levelled against our Laws, we may be assured these men would be discarded, and others promoted in their rooms who are fit for such Arbitrary Purposes.

Nor do I think it reasonable that our Army should be ruined by that Peace, which by their Courage and Fidelity they have procured for their Country; and I doubt not but the generosity and gratitude of the Parliament will give them a Donative equal to their Commissions, which, when the Foreigners are paid and sent home, will amount to no extraordinary Sum; it most 'tis but supposing the War to have six Months longer continuance, which is an easy Composition for the Charge of keeping them. But if there are any Gentlemen amongst them who think we can no otherwise express our gratitude, but by signing and sealing our own Ruin, I hope we shall disappoint their expectations, and not give the World occasion to tell to foolish a story of us, as that we turn'd to grass one of the most powerful Monarchs in the World for breaking our Laws, that we maintain'd an eight years War at the expence of forty Millions of Money, and the blood of three hundred thousand men, to justify the glorious Action we have done; that by it we preserv'd all *Europe* besides, and lost our own Liberties; at least I hope it shall not be said we consented to it.

THE END.

THE

*The Second Part of an Argument, shewing, that
Standing Army is inconsistent with a Free Go-
vernment, and absolutely destructive to the Con-
stitution of the English Monarchy. With Remarks
on the late published List of King James's Irish
Forces in France.*

Proximus ardet
Ucalegon. Virgil. Æn. l. 2.

THE PREFACE.

THE following Considerations were written, and designed to be published soon after the Argument against a Standing Army appeared. But a report being given out, that the Advocates for a Standing Army would do wonders on the Subject, 'twas thought convenient to expect Their Achievements that if their Success should prove in any measure answerable to their Confidence, the Publick might have been no farther importuned about the Matter. I think I may justly say, This Mountain, after all its Pangs and Convulsions, has brought forth nothing but a ridiculous Mouse. And therefore I shall submit to the Judgment of all impartial Englishmen, what is here said in confirmation of the Argument: Which I hope will be of the greater weight, because taken from our own History.

An Argument, &c.

PART II.

WE have much talk of a Standing Army which is to be in time of Peace, but no body can tell us what they are to do: We know their usual Commission is to kill and slay; But where is the Enemy? Men talk of this with as much certainty, as if they were already established. Which is yet the more surprising, if we reflect on one of the Articles of Charge against the late King James. It is plain therefore

that all this is Practice, and that these bold Forefallers of Parliaments would fain Enact that without Doors, which from the Foundation of this Kingdom was never attempted within.

These Gentlemen are also pleased to affirm it necessary to have a vast Body of Forces continued on foot: Whereas the first Project we find for a Standing Army, in the Year 1629, requires only three thousand Foot in constant Pay, to bridle the Impertinence of Parliaments; to overawe the Parliament and Nation; to make Edicts to be Laws; to force upon the People vast numbers of Excises; and in short, to overturn the whole Frame of this noble English Government. Whoever has a mind to peruse that dangerous Scheme in *Rushworth's Appendix*, pag. 12. and what he says of it in his History, will see enough.

I marvel whose Advocates these Men are in this Matter: For am I satisfied none of those brave Englishmen, who have fought honourably abroad, ever meant, when the Service was over, to be a Charge, Burden and Terror at home to their own Country; nor to disfranchise us of two of our Native Liberties, freedom from Martial Law, and Billeting of Souldiers; and thereby directly to take away from themselves, as well as from their Fellow-Subjects, one half of the Benefit of the *Petition Right*, and in consequence the other half too, The Freedom of their Persons and Estates.

I shall therefore consider of a Standing Army, without minding who is for it, or who is against it in this Age, and only enquire what are like to be the Consequences of it in future Reigns. And I have reason to do thus, because if the Parliament give the next King a Standing Army, the worst King shall hereafter claim and have it.

We have many Instances where Parliaments in a kind Fit, by the sudden Grant, have entailed a World of lasting Misery upon the Nation. I will mention but one; The Kingdom was newly delivered from a bitter Tyrant, I mean King *John*, and had likewise got rid of their perfidious Deliverer the Dauphin of *France*; who after the *English* had accepted him for their King, had secretly vowed their Extirpation, which the *Viscount of Melun*, a Frenchman, being at the point of Death, disclosed; they were moreover blessed with a young Prince, whom they conceived mighty Hopes, in the Hands of a very wise and honest Council. This was Life from the Dead, and true Revolution. In the Transport of all this Happiness, about the 7th Year of this new King *Henr. 3.* the Parliament granted

granted him the Wardship of their Heirs. *Knigheton*, pag. 243^o, records it thus; *Magnates Anglia concesserunt Regi Henrico Wardas Heredum & terrarum suarum, quod fuit initium multorum malorum in Anglia.* He says this Grant was the beginning of many Mischiefs in *England*. In the Year 1222 these Mischiefs had their Rise and Beginning; but where they ended, no old Chronicle could ever tell: For after this intolerable Bondage had continued above four hundred Years, the Nation at last ransom'd themselves in our time by giving the Excise. It is a grief to all after Ages to find a Parliament so miserably overseen, for they both mistook their Man; and the hopeful Prince proved as bad as if the very Soul of his Father *John* had passed into him, which is the common Character given him by all the Antient Historians: And then they utterly mistook the Nature of the Grant, and did not foresee what a Misery and Vassalage it might prove to their Posterity. I appeal to all the Antient Nobility and Gentry, who know any thing of the Affairs of their own Families, whether it was so or not: And yet these were honest and brave Men, who would rather have died than have been the Authors of so much Mischief: but they were led by false Appearances, that by having the King Guardian of their Children, they could not be wronged; they would have the best Education at Court, stand fair for future Preferment, and that a happier Provision for their Posterity could not be made: Neither could it, for the very Learning which this instructive Passage has given to their late Posterity, countervails all the Mischiefs that are past.

But the Advocates for a Standing Army tell us, That tho' the Wards by being annexed to the Crown, and so becoming a Prerogative, could not be parted with, which was the cause of the long continuance of that Mischief, after it was known and felt to be so; yet all this is cured by making the Act Temporary, and settling a Standing Army only during his Majesty's Reign, or for Years, or they know not how. I find they have a great mind to their Cucumber, for they are content to have it dressed and pickled any way.

I answer, That succeeding Princes, if they find an Army, will keep it, and will not trouble themselves whether the Law be Temporary or Perpetual. A plain Instance we have of this in the Customs: For tho' Tunnage and Poundage, and the other Impositions, are a Subsidy and free Gift, and the King's Answer to the Bill thanks the Subjects for their Good-wills. And tho' Parliaments have always used such Cautious and Limitations in those Grants, as might prevent any Claim, and heretofore limited

mitted them to a short time, as for a Year or two; and if they were continued longer, they have directed a certain space of Cessation, or Intermiſſion, that so the Right of the Subject might be the more evident; at other times they have been granted upon occasion of War for a certain number of Years, with Proviso, that if the War were ended in the mean time, then the Grant should cease: and of course they have been sequestred into the hands of some Subjects for the guarding of the Seas.

Norwithſtanding all this, tho' the Parliament so carefully guarded their Grants, yet King *Charles* the first took this Subsidy without any Grant at all, for sixteen Years together; tho' several Parliaments in the mean time forbad the payment of it, and voted all those to be publick Enemies that did not refuse it. The like did his Son the late King *James* till his Parliament gave it him: and in his first Speech to them he demanded it as his own, by the name of *my Revenue*. And why then shall not another Prince come and say the same, Give me my Army, if he ever have a Parliament to ask? To limit a Prince with Laws where there is an Army, is to bind *Sampson* with his Locks on.

Having made appear that an Army now will be an Army always, I come in the next place to shew what the Consequences of it will be, both by the Experience of former Ages, and by the Nature of the Thing.

In all Ages and parts of the World, a Standing Army has been the never-failing Instrument of enslaving a Nation; which *Richard* the Second, (*Walsing.* pag. 354.) compassing to do here in *England*, accordingly used the Means. For the Safety of his person, he assembled together (*multos Malefactores*) a great number of profligate Persons out of the County of *Chester*, who should keep watch and ward continually about him in their arms. This Life-guard of his consisted of four thousand Archers; who committed such Outrages amongst the People, overruled the Parliament, and aided him in his Tyrannical Proceedings in such a manner, as could not be believed, if it were not witnessed by a whole Parliament, and his own Confession, **Artic.* the 5th.

* Item, Tempore quo idem Rex in Parlamento suo fecit adjudicari Ducem *Gloucestræ*, & Comites *Arundell* & *Warwick* ut liberius possit exercere crudelitatem in eosdem, & voluntatem suam injuriosam in aliis adimplere, sibi attraxit multitudinem magnam Malefactorum de Comitatu *C-stræ*, quorum quidam cum transeuntes per Regnum, tam infra Regis hospitium quam extra, Ligeos Regni crudeliter occiderunt, & quosdam verberaverunt, vulneraverunt, & deſtruxerunt bona populi, & pro suis victualibusolvere recusarunt.

& Uxores & alias mulieres rapuerunt, & violaverunt, & licet super eorum hujusmodi excessibus graves querimoniz deferrebantur ad audientiam dicti Domini Regis; Idem tamen Rex super his justitiam, seu remedium facere non curavit, sed favebat iisdem gentibus in maleficiis eorum; Confidens in iis & eorum præsidio, contra quoscunque, alios Regni, propter quod fideles regni sui magnam commotionis & indignationis materiam habuerunt. *Decem. Scip. Col. 2748.*

In short, tho' many of those *Cheshire-men* plundered and lived upon Free-quarter; beat, wounded, killed and ravished wherever they came: Yet because they enabled him to execute all his cruel and arbitrary Designs in Parliament, he countenanced them in all their Crimes, as confiding in them, and trusting in their defence of him against all the Realm beside: For which cause all the Lieges of his Realm had great matter of Commotion and Indignation.

This Parliament was in the 21st of his Reign, and in it the Frame of this *English* Government was quite destroyed. I need not shew in what Particulars, for that is done already by *Bacon*, and many other Lawyers. But in short, the King was made absolute, and the whole Power of Parliament, which might remedy things afterwards, was given up: For it was made Treason for any Man to endeavour to repeal any of the Arbitrary Constitutions that were then made.

I am even ashamed, when I observe former Princes so zealous for oppressing and wronging a Nation, and so bent upon it, to reflect how cold and remiss many Subjects have been in all times, and how unconcerned to preserve their indispensable Rights, which are the very Being both of themselves and their Posterity: To see King *John* ready to pawn his Soul, and offer *Miramolim* the Emperour of *Morocco* to turn Turk, and to make his Kingdom tributary to him, only to get his Assistance to enslave this Nation, and Subjects to take no care of their *English* Liberties; which certainly are proved to be worth keeping, by the eagerness of bad Princes to take them away.

But to return to our *Cheshire-men*, and to the Parliament which they had in charge, *Sagittariis innumerabilibus vallato*, walled about with an infinite number of Archers, as it is described, *Artic. 4.* The Parliament was hereby so overawed, that in what they did they were *Magis timore*

Walsing. *Regis ducti quam mentium ratione*, led more by fear of the King than their Consciences; their Souls were not their own. And besides the Standing Awe and

and Terror which this Guard was to both Houses during their Session, there happened a passage at last which put them all into a very great Fright: It is thus set down by *Stow*, p. 316. And then licence being had to depart, a great stir was made, as is used; Whereupon the King's Archers, in number 4000, compassed the Parliament-House (thinking there had been in the House some Broil by fighting) with their Bows bent, their Arrows notched, and drawing ready to shoot, to the terror of all that were there; but the King herewith coming, pacified them.

These men did the King such acceptable Service, that he could do no less than make some return to his Implements, which he did in honouring *Cheshire* for their sakes. In this Session of Parliament he made it a Principality; *Cap. 9.* and himself Prince of *Chester*: And so as *Bacon* says, *Counties go up, and Kingdoms go down*: This had never risen again but by a happy Revolution, which followed in less than two Years. So much for the *Cheshire-men*.

But what signifie the Proceedings of this villainous Crew to an Army, who are all of them men of Honour, and perhaps in Parliament-time shall be ordered a hundred miles off? these cannot wall in, surround, besiege and beset a Parliament, nor consequently hinder it from being a Free Parliament. That I deny, for I hope such an Army may differ in Judgment, and petition a Parliament at that distance; and we very well know that their Desires are always Commands. The Parliament in 41, long before there was any breach with the King, were in a fair way to have been petitioned out of doors by an Army 50 miles off, tho' there was the Clog of a Scotch Army at the heels of them, who upon the least Motion would certainly have followed. And if *Denzill Holles* had not locked the Doors, and communicated the Matter to the House, who immediately tell upon the Officers that were Members, *Colonel Asburnham*, *Villmot*, *Pollard*, &c. and quashed the Design, it had brought the whole Nation into great Confusion. The Petition of an Army is like that of the Cornish-men in *Henry the Seventh's* time; it is always a strong Petition.

Nay, an Army could not go out in this humble way to overtake a Parliament. If they are in being, they influence; and a *Cesar's* easie way they conquer, by looking on. The very Reputation of a Force to back them, will make all Court-proposals speak big, tho' never so contrary to the Interest of the Nation. For there is no debating nor disputing against Legions. They will tempt them to do many things they durst not otherwise

think of: What is much out of our reach, rarely is the Object of our Thoughts; but the Facility of Execution is generally the first Motive to an Attempt. Now it is abundantly the Interest of Court-Flatterers to live under a corrupt Reign. Then Bribes and Confiscations fill their Coffers. No Man's Wife or Daughter is free from their Lust, or Estate from their Avarice. They extort Presents from the Nobility, Goods from the Tradesmen, and Labour from the Poor. In short, all is their own. And 'tis to be feared, these Gentlemen (unless they have more vertue than usually falls to their share) will put Princes upon such Counsels as promote their own Advantage. They will tell them how mean it is to be awed by a few Country Gentlemen, when all the Kings in *Europe* besides are got out of Pupilage, as *Lewis XI* called it. They will fill their heads with a thousand trifling Jealousies of Monsters, Commonwealths, and such like Bug-bears: and it hath been difficult even for the wisest Princes to free themselves from this sort of Cattle. *False Prophets shall arise, that shall deceive even the Elect.* Nothing but the Fear of Punishment, and the being made a Sacrifice to the Peoples just Revenge, can make such Men honest: But if they have an Army to protect them, all these Considerations are laid aside, and all Arguments are answered in a word, *The King has an Army.* *The King has an Army*, stops all Mouths, and cuts off all Reply. It is as if it should be said, Set your hearts at rest, for the King has all the Power in his hands, and you have none: He has all your Estates, Lives, and Liberties, under his Girdle: Slaves, and talk! The King has an Army, is a confuting Answer to every thing but a better Army, which Thanks be to God and his present Majesty we have found. But as we are not to live upon Miracles, so we are not to tempt Dangers.

I have stayed the longer upon this Point, in shewing how inconsistent an Army is with the Freedom of Parliament, because they being the Keepers of our English Liberties, can ill perform that Office, when they have parted with their Power into other hands. They are the last Resort of the Subject for the redress of their Grievances. But how shall they relieve the poor *Roxton*-men, for instance, from the Oppression and Insolences of the Souldiery, when perhaps they shall be subject to the like themselves? The Projectors are aware of this terrible Inconvenience, and therefore they propose an Expedient, That it shall be the King's Army, but the Parliament shall have the paying of them; whereby they shall be as much the Parliament's

ment's humble Servants, as the Parliament their proper Masters.

Much at one I believe. For the long Parliament had not such a King and Parliament Army as this, but an Army that was all their own, their Creatures, as the Court-word is; raised, listed, commissioned, and paid wholly by themselves, and not in Partnership; and that had manfully fought all their Battels: and yet upon the first Distaste they were pleased to take, they distressed their own Masters, and with a high hand forced them to banish eleven of their principal Members, *Denzil Holles*, *Sir Philip Stapylton*, *Glyn*, and such other great Men. *Sir Philip Stapylton* died in his Banishment. At another time they would not suffer near a hundred Members to enter into the House, whom they thought not well affected to the Business then in hand, and at the same time evil intreated and imprisoned about forty Members. This they called purging the House. After they had thus handled them at several times, in conclusion, the Officers came and reprimanded the House, bid take away that Fools Bawble the Mace, violently pulled the Speaker out of the Chair, drove out the Members, and locked up the Doors, and so good night to the Parliament. The Wisdom of that Parliament may have been very great, but it was Nonsense for them to think, that an Army does not know its own Strength. For without dear-bought Experience any body may know beforehand what will be the natural Consequences of a Standing Army. From the day you set them up, you set up your Masters; you put your selves wholly into their hands, and are at their discretion. It is the Conquest of the Nation in the silentest, shortest, and surest way. They are able to dispose of your Lives and Estates at Will and Pleasure: And what can a foreign Conqueror do more? If after this we live and possess any thing, 'tis because they let us: and how long that shall be, neither we, no nor they themselves, know.

Nay, in many respects an authorized Standing Army is far worse than a foreign Invasion, and a Conquest from abroad. For there we have a chance for it: but this is a Conquest in cold Blood, which may not be resisted. And we lose the inseparable Rights of the Conquered, which is to rescue and deliver themselves, and to throw off the Yoke as soon as they can. It is likewise a great Aggravation of our Misery, to be enslaved at our own Cost and Charges: Besides the bitter Resentments of Unkindness and Breach of Trust, if it be done by those who ought to protect us, and provide better for us; at least should not leave us in a worse condition than they found us. But above

all, we contribute to our own Thralldom by our Folly, Flattery and little self-seeking; if the Destruction of us and our Posterity be of our selves, that Reflection hereafter will have a Sting in it; and it will not be enough to say, who would have thought it?

Now in being over-powered and conquered by a Foreign Enemy, we contract none of this Guilt, and suffer it as a bare Calamity. But there is no great fear of that, for the Duke *de Rohan* is our Guarantee that we cannot be conquered from abroad; who in a spiteful Description of *England* says, it is a great Animal that can be destroyed by nothing but it self. Every body must die when their time is come: and Empires as well as private Men must submit to Time and Fate; Governments have their Infancy, their Meridian, and their Decay; and the Preludes to their Destruction are generally Luxury, Pride, Sloth, Prodigality, Cowardice, Irreligion, Self-interest, and an universal Neglect of the Publick. God grant this be not the Condition of a Nation I know.

Well, 'tis all one; for let a Standing Army be what it will, still we must have it for this unanswerable Reason, *viz. The Defence of the Nation from a sudden Invasion: for unless, say they, you have an Army to lie leiger, you are liable to be over-run by a foreign Enemy ere you are aware; and you will shew less Wit than Æsop's Rhinoceros; you will have your Men to raise, and your Teeth to whet, when you should use them.* This Thought I confess is very natural and obvious, and therefore could not possibly escape our wise Forefathers; yet we cannot learn that ever they put it in practice, which is a great sign they did not like it. No, we are well assured that they would not have suffered a Mercenary Army to defend the Nation if they would have done it gratis. They would rather have mistrusted it would double the Invasion, and make it as big again as it was. I do not speak this by guess, but have it from the wise Sir Robert Cotton, who being consulted, 3 *Caroli*, in a difficult State of Affairs, amongst other things gave this Advice at the Council-Table: *Rusworth*, pag. 469. *There must be, to withstand a Foreign Invasion, a proportion of Sea and Land Forces. And it is to be considered, that no March by Land can be of that speed to make head against the landing of an Enemy: Then that follows, That there is no such Prevention as to be Master of the Sea.*

For the Land Forces, if it were for an offensive War, the Men of less Livelihood were best spared: and we used formerly to make such Wars *Purgamenta Reipublicæ*, if we made no farther Purchase by it. But for the Safety of the Commonwealth, the Wisdom
of

of all times did never intrust the Publick Cause to any other than to such as had a Portion in the Publick Adventure. And that we saw in eighty eight, when the Care of the Queen and of the Council did make the Body of that large Army no other than of the Trained Bands.

In the same Advice to the King he lets him know how the People resented his keeping up an Army in the Winter, tho' we were then in War both with France and Spain. The words are these.

And the dangerous Distates to the People are not a little improved by the unexampled Course, as they conceive, of retaining an Inland Army in Winter Season, when former Times of general Fear, as in eighty eight, produced none such; and makes them in their distracted Fears conjecture idly, it was raised wholly to subject their Fortunes to the Will of Power rather than of Law, and to make good some farther Breach upon their Liberties and Freedoms at home, rather than defend us from any Force abroad. And tells the King the Consequences of these Jealousies is worthy a prudent and preventing Care.

But what signifie the Proceedings of former Ages to us? say the Projectors, the World is strangely altered, and the Power of France is become so formidable, that it can never be opposed in the Elizabeth way. They still keep up an Army of three or four hundred thousand Men, and how shall us defend our selves against all those, without ten or fifteen thousand disciplined Troops?

I think the Author of the *Argument*, page 18 and 19, hath sufficiently shewed the Difficulty, if not Impossibility, of a Foreign Invasion, whilst we are superior at Sea; the great improbability the French King should engage in such a Design, and much greater he should succeed in it. But that we may for ever lay this Goblin, we will admit our Fleets to be kidnapp'd by an unlucky Wind, whilst the French land twenty thousand Men in our Country. Tho' in gratitude for this Concession, I hope my Adversaries will grant that their Fleet cannot get back again without our meeting with them, (since the same Wind that carries them home, will carry us out); or if they will not be so good natur'd as to allow this, I will undertake for them (for we live in an undertaking Age) that they will agree we shall intercept their Supplies. Then the case is thus, That twenty thousand Men, of which few can be Horse, are landed in England, without any humane probability of being supplied from abroad.

I say, this Army shall never march twenty miles into the Country; for they cannot put themselves in a marching posture in less than a fortnight or three weeks; and by that time we may have

100000 Militia drawn down upon them, whereof ten thousand shall be Horse, and as many Dragoons as we please: And if this Militia does nothing else but drive the Country, cut off their Foragers and Straglers, possess themselves of the Desfilees, and intercept Provisions, their Army must be destroyed in a small time.

Of this kind I could give many Instances out of History: but because Antient ones, they say, will not fit our purpose; I will give you a late one out of *Ireland*.

1st, I think it will be readily agreed, there are ten men in *England* for one in *Ireland*.

2^{dly}, That King *William* had more English and Scotch to join with him in *Ireland*, than the F. K. hath Malecontents in *England*.

3^{dly}, That even our Militia have more Courage than Irishmen. And yet tho' we had eight thousand Horse, and above thirty thousand Foot in *Ireland*, and a great part of the Country in our possession, yet we were more than four Years in conquering the rest, and almost a Miracle we did it then. And I believe no Man will deny, if we could not have supplied our Army from *England*, but they had all there perished; such is the Advantage of fighting upon ones own Dunghil.

And to shew what Treatment the French are like to meet with in *England*. I will put you in mind of the *Purbeck* Invasion, which was so private, that it was seen only by an old Man and a Boy: And yet though the Country thought the Government against them, we had above forty thousand Voluntiers in Arms in two or three days time, who came thither on their own accord to give them the meeting; and if they had been there, I doubt not would have given a good account of them. Our Court when it was over, shewed their dislike of it, and questioned the Sheriff of *Dorsetshire* about it. And tho' we have forgot it, yet I believe the French will remember *Purbeck*; for it shewed the true Spirit and Genius of the English Nation.

To conclude, The whole management of this Project is ridiculous; but the fatal Consequences of it require deeper thought: For when we have fool'd our selves into the Bondage of a Standing Army, how shall we ever get out of it again? Not as the Nation freed themselves from the Court of Wards. We cannot buy it off for two very good Reasons: No Money will be taken for it; and we shall have nothing to give which is not theirs already: Our Estates, Lives and Liberties will be all at their Command. They will have the Keys of our Money, and the Titles to our Lands in their Power.

This

This last and irreparable Mischief and Misery the Projectors had prepared for us. But under a Gracious King, and a Wise Parliament, I hope we shall never see it. His Majesty's Declaration is directly against a Standing Army, *as a means to assist all Arbitrary Designs, and thereby enslave the Nation*; directly against all wicked Attempts of Conquest, and all Despotick Government; 'tis full of Liberty and Property in every part: So that we are sure to be safe on that side. And this Declaration was so highly valued, and so wholly relied upon by the Parliament, that it is incorporated into our Laws as the only redress of our past Grievances and Oppressions, and the best Foundation of our future Happiness: And with entire confidence that his Majesty would continue to act in pursuance of that Declaration, the Parliament resolved that he should be, and be decalred King. So that it is to be accounted the *Pacta Conventa* of this Government.

Here I know the Projectors will say, That the Army condemned by the Declaration, was the late K. James's Army, kept up in time of Peace without Consent of Parliament; whereas this Standing Army is to be kept up with their Consent.

True it was so, and therefore it was a Riot and unlawful Assembly every hour it stood: and having no Law for it, it might have been presented or indicted; to no purpose indeed: But as an Invasion upon the Subject it might be resisted and pulled down as a Nuisance, when-ever the Nation found themselves able. But suppose this Army had been made part of the Constitution, and had obtained an Act of Parliament for it, which is as much as we can have for a King or a Queen; what then had become of us? They were Aids and Instruments of Arbitrary Government before, but then they had been legal Instruments, and had enslaved us by Authority. In short, we could not have relieved our selves from them, nor any one else in our behalf, because our own Act and Deed would have always been good against us. The delightful Norion we know his Majesty by, is that of our Deliverer, which he was upon this occasion. But these mischievous Projectors would turn it into such a Deliverance, as if we had been help'd over a Ford, to be afterwards lost in the Sea. And as to the Parliament, we are safe on that side, for a Reason amongst others which is in the Declaration in these words; *And it cannot be imagined that those who have invited us, or those that have already come to assist us, will join in a wicked Design of Conquest, to make void their own Titles to their Honours, Estates and Interests.*

A Postscript, with Remarks on a late published List of Irish Papists now in the French King's Service.

THE Advocates for a Standing Army having lately published a List of an Army of Irish and other Papists now in the French King's Service, which they say are ready when called for, I could not let that Paper go without some Remarks; because it informs us of some things, that, if I mistake not, deserve the consideration of all true English Men, and are as followeth.

1. That there is in *France* an Army of eighteen thousand Irish and other Papists, with *K. James* at the Head of them.
2. That they are ready to be transported hither when called for.
3. They give broad Hints that there is a sort of Men amongst us, who will call for them.
4. That these Irish and their Correspondents will answer whatever has been or shall be written against a standing Army.

To the first I answer, that tho' the Irish are the best Troops in the World to plunder, murder, and massacre the innocent and defenceless People, yet they are the worst of all Soldiers when they meet with Resistance. The late War in *Ireland*, particularly the Siege of *London-derry*, and the routing of *Justin Maccarty*, one of their best Officers, who was at the Head of a considerable Army, by a small Number of the despised Militia, has abundantly demonstrated this Truth. And it deserves the Resentment of the English Nation, to find the Enemies of their Country endeavouring at last to fright them with that despicable Crew, when the Terror they would have given us of the French Armies has proved ineffectual. Besides, the French King is in possession of these Irish Troops; they serve him, and are paid by him: and no man but a Publick *Boutefeu* would have the Confidence to say, He will lend them to King *James* to invade us: For what will that be less than declaring a new War? And they who think it in the Power of the French King to assist King *James* against us, without any Breach of the late Treaty, do in effect say, That due Care

has

as not been taken of the Nation, than which there cannot be a more scandalous Reflection on his Majesty.

To the second and third of their Menaces I shall only say, That 'tis somewhat extraordinary, that Men should dare publickly to avow their Correspondence with our Enemies, to own themselves acquainted with their Designs against us, to threaten the People with an Army of Irish *Banditi*, and to let us know that there are some amongst us ready to join them. But the Great Council of the Nation being now assembled, will undoubtedly make such Provision for our Safety, that neither they nor their Correspondents shall be able to hurt us.

In the last place they tell us, that this is an Answer to the *Argument against a Standing Army*, and to all that has been or shall be written on that Subject. Here's thorow Work indeed: and 'tis pity it should want a Place in the next Edition of the *Irish Wisdom*. Mr. Bayes's fighting singly against whole Armies is nothing to it: For he like a modest Man, was only for routing such as should be raised, and never once dreamt of destroying them before they had a Being.

'Tis hoped therefore that this last Goblin will do us no more hurt than all the rest that have been industriously raised to terrify the People, and to disturb the Publick Peace.

A Letter from the Author of the Argument against a Standing Army, to the Author of the Balancing Letter.

A False Balance is an Abomination to the Lord, but a Just Weight is his Delight, *Prov. xi. 1.*

*Vendidit hic auro patriam, Dominumque potentem
Imposuit, Leges fixit pretio, atque refixit.*

Virgil. *Æn. L. 6.*

A LETTER, &c.

SIR,

TH^{O'} the Journy-men Scriblers with all their Scurrility can't provoke me to give them an Answer, yet when I see my self levell'd at in such soft Language and Gentleman-like Behavi-

Behaviour, I am the more afraid; *Timeo Danaos, & dona-
ferentes.*

You have been pleas'd in your last Paragraph to own the Matter to be 'so nice and important, that it ought to be 'severely examin'd, without false Colours and popular Rhetorick; and you are pleas'd to give your self the Character of one 'zealous for Liberty, a great Adventurer for it, and 'to have a great Stake in it. If you are the Gentleman I guess you to be, I believe your Stake is now considerable, but you being a great Adventurer in getting it, it is not worth magnifying your self for it: which gives me occasion to say, I am not of a desperate Fortune, and what Stake I have being provided for me by my Ancestors, I am more afraid of losing it than if it were my own Acquisition. And after this short Preface, I will proceed to examine into the matter *without false Colours or popular Rhetorick.*

I think your Letter has shew'd these three things.

1. What you would have.
2. How long you would have it.
3. For what Reasons.

1st. I perceive you would have us believe we have an 'Honourable Peace to the wonder of the World, and that 'nothing can hurt us but Animosities and Jealousies amongst 'our selves: And secondly, you would have a Land Force to 'maintain this Peace. Now, Sir, I must beg your Pardon if my Faith differs from yours; for I can't believe we have an Honourable Peace, in case we are oblig'd to keep up a Standing Force to maintain it. Peace is a Cessation of the Exercise of the use of Arms, that we may with safety turn our Swords into Plough-shares, and Spears into Pruning-hooks; and the Prayers of the Church commanded by his Majesty for Thanksgiving for this Peace, have taken in that very Text, And if this our Peace will not answer this Character, it is not such a Peace as you would have us believe we are blest'd with. But since we have not such a Peace (for you know better than I) I will go on for Argument-sake with yours, to supply this Imperfection in it. You are pleas'd to say, Page 3. when you seem to prepare us to consider of the Necessity of a Land Force, 'You are far from the thought of a Standing Army. Now I'll tell you, Sir, what I apprehend a Standing Army to be; Horse and Foot rais'd under Commission granted by the King, with Swords and Pistols, Pikes and Muskets, Powder and Ball to kill Men. If you by your *Land Force* mean none of all these, I am very impertinent in differing

ring with you. But till you are pleas'd to distinguish your *and Force* from this Description, I believe all Men will think you mean the same by a Land Force, as I do by a Standing Army; which if you do, then you have declar'd your thoughts against it, and made your self guilty of the most apparent Contradiction that ever I saw wrote in so good a file.

The next thing you shew is, How long you would have these **AND FORCES** continue, and that is from Year to Year: which puts me in mind of a Covenant us'd in conveying lands in *Holland*, whereby the Seller warrants the Land to the Purchaser for a Year and a Day, which according to their Law, is for ever; and so, I suppose, when you say from Year to Year, you mean *in secula seculorum*, as will appear by and by. The third thing is, for what Reasons you would have this. And, first, 'you abhor to give his Majesty a Jealousy of his People, as if he were not safe amongst them without Guards: but you say the Case at present is, 'Whether, considering the Circumstances that we and our Neighbours are now in, it may not be prudent and necessary for us to keep up a reasonable Force from Year to Year; and so you seem to lay a great stress upon the Fashion of other Countries. You say, *Pag. 4.* 'The whole World, more particularly our Neighbours, have now got into the mistaken Notion of keeping up a mighty Force; and the most powerful of these happens to be our next Neighbour, who will very probably keep great Armies, and we may appear too inviting if we are in an unguarded Condition.

Now, Sir, as to the Fashion of other Countries. I remember that God having declared Laws to the *Israelites*, commanded them to keep them, and not to follow or hanker after the fashions of other Nations, either in Worship or Government. And if we are in the Fashion of our Neighbours in having an Army, we must have their fashioned Government too. It is the Fashion of the *F. K.* to have a **STANDING ARMY**, and it is the Fashion of his Subjects to be Slaves under that **STANDING ARMY**. I observe Men that are addicted to Fashions, follow them in every thing. Now to be Freemen under a **STANDING ARMY** is not the Fashion of our Neighbours. And I am afraid we shall never think our selves comfortably in the Fashion till we have got Wooden Shoes too.

But I see, Sir, you are not so much a Fop as to be in the Fashion for fashion sake, but that you think there is a necessity for; for you are afraid of being invaded by our Neighbours, 'the next and greatest of whom will probably keep up great Armies. And

And here by the way before I forget it, I would put you in mind of your Tenure from Year to Year; for I think by this Argument you would have our Land Force to continue as long as the *French King* is in a mistaken notion of keeping up great Armies so that from Year to Year is already become a Phrase for ever. For my part I should be unwilling to stay for any thing I wish for till the *French King* disbands his Army. Therefore, Sir, don't draw Men into your Proposals by sowing Pillows under them, by soft Language, of a *Land Force*, not Standing Army from Year to Year, under the Consideration of Parliament. Let us have Plain Words, and then your Proposals, according to your own Reasons, must be for a Standing Army in *England*, as long as the *French King*, or any of his Successors, keep up a Standing Army in *France*: you had as good open your Matter fairly at first, for every thing else is but flourish till you come to the Point.

Now, Sir, I confess I give as little credit to the Words and Leagues of Princes as you do, and depend more upon their Interest than Integrity for the performance of them, and therefore am not for leading them into Temptations to attack us, and would always have a Defence suitable to our Danger. Nature hath armed all Creatures with Weapons to oppose those that assault them, and the Policy of Man hath found out several Artificial ones for himself. Now the sole Debate between us is, In whose Hands these Weapons should be put.

Of this matter I have discoursed from the 18th to the 26th Page of my *Argument*, which you neither can nor do pretend to answer, and therefore I refer you thither again: Indeed in your 9th, 10th and 11th Pages you tell us, 'That Regular and Disciplin'd Troops are far superior to the best and strongest Militia in the World, admitting this Condition, that there are no Regular or Disciplin'd Troops in that Militia. But I will make bold to tell you, that a Militia may be as well Disciplin'd as an Army; nay our own Army, if they were Disbanded, will most of them be sent to the Militia; and I suppose calling them by a new Name will not make them worse Soldiers. Now as to your Instances in History, I shall only make this small Objection to them all, That you are mistaken in every particular. For the *Persian Army* was made up of Standing Troops, kept up in the several Provinces of the Empire, and not of Militia, as you falsely insinuate: and with these Armies they conquered easily the several Principalities which made up their vast Empire, and were defended by Standing Armies; but when they came to fight with the *Greek Militia*, all their mighty Armies came to nothing.

Of this we have the Instances of *Xenophon*, who with a Thousand *Greeks* marched three Thousand Miles through their Country in spight of a numerous Army observing him. Afterwards of *Agessilaus*, who with a small Spartan Militia had put an end to the Persian Empire, if the Factions of Greece had not call'd him home. The mighty Army of *Xerxes* was destroyed by a Greek Militia. Nay the better part of *Alexander's* Army was made up of Militia taken out of the several Cities of Greece.

The Instance you give of the *Romans*, makes as much against you; for they found more difficulty in conquering a few little Commonwealths about them, who fought by Militia, than *Asia*, *Egypt*, and all the Arbitrary Governments they conquered, which fought against them with standing Armies. Who will deny that *Cesar's* Conquests over the Gallick Militia, were greater than *Pompey's* over the Asiatick standing Armies? And whereas you say, Page 11th, 'That nothing stood before the Roman Armies whilst they were kept under Discipline; but when all their Order was broke, and they became a Militia, the Northern Nations in Europe, as well as the *Sarazens* in the East, over-run the Roman Empire; I must like leave to say, the just contrary to this is true; for whilst they fought by a Militia, they conquer'd the whole World; but afterwards in the time of the Emperours, when they kept up Standing Armies of three hundred and sixty thousand Men, as *Tacitus* reckons them, they were over-run by every Barbarous Nation that invaded them.

Your Instance of *Hannibal* is nothing to the purpose, for the *Carthaginians* did not beat the *Romans*, but *Hannibal* the Roman Generals: He got no Victory but by his own single Conduct; and when the *Romans* fought against any other General, they were seldom unsuccessful.

The *Turks* also met with much more trouble in subduing the *Hungarian* and *Epirot* Militias, than all their Empire besides. *Scanderbeg* with a small Militia came off constantly successful in two and twenty Battels against their numerous standing Armies. *Huniades* and his Son *Matthias*, fought always with Militias against the Turkish Standing Armies, and performed such Actions as Posterity can hardly believe, and I am sure were never equall'd by any other Force.

And whereas you say, 'the Preservation of *England* in Queen *Elizabeth's* time was by accident, and we must not always expect to live upon Miracles: I don't find but that excellent Princess, and her Court, were of another Opinion. We don't

don't find her, or her Creatures, after the *Spaniards* were defeated, to use this Cant to the Parliament. "Gentlemen, you see what a Danger you have lately escaped, we were preserved by Providence and Chance, but I hope you will not always expect Miracles: It is necessary to keep up a Standing Force for I can't depend upon the Defence of my People. She scorn'd such Trash, and would have cag'd any evil Counsellor who durst give her such Advice: She thought her safe in the Affection of her People, though this Gentleman, at above a hundred Years distance, tells her the contrary.

But you seem very apprehensive of being surprized without notice; and mention, *Page 5th*, the late Attempts from *Hogue* and *Calais*; and that 'if in a time of War and Jealousie we were so near being fatally over-run, without warning or intelligence, it is much more possible to see such Designs laid in times of Sloth and Quiet, when we are under no Fear and may have no notice of it. Sir, I have no better Opinion of our Intelligence during the War, than you have. However the business of *la Hogue* was the Talk of the *Exchange*, and in all the publick Prints, besides the *Gazette*, two Months before it happened: And as to that of *Calais*, His Majesty, by his extraordinary Care, surprized the Enemy with seventy Sail on their Coasts, which they never expected. And that our Notice should be more difficult in Peace than War, I cannot understand, since in the latter all Ports are shut, and Merchants stop; and in the former the Ports are open, Travellers abroad, Merchants at Sea, and an Ambassador at their Court.

Page the 8th, you give a great Character of Arbitrary Government, where Men are ruined that fail in performing what is expected from them, in keeping the Secrets that are enjoined them, by which the Prince can execute things in other manner than can be conceived by those that live in free Governments. I am sure if Impunity of those who fail in performing their Duty, and in keeping our Secrets, be the Character of a free Government, we are free with a witness. But I can't see why the punishing of them should be inconsistent with a free Government.

And after all, you seem to apprehend as ill Consequences from a *STANDING ARMY* as I do, as *Page the 14th*, where speaking of the Dangers of it, you say, 'This is a large field, and History is so full of Instances of this kind, that it will be easy to open copiously on the Subject. From the *Prætorian Cohorts* down to our Modern Armies, enough

can

can be gathered to give a very frightful Representation of a **STANDING ARMY**. And afterwards, *Page the 15th*, I do not deny but several Inconveniences may be apprehended from a **STANDING FORCE**, and therefore I should not go about to perswade you to it, if the thing did not seem indispensibly necessary. Now I suppose by indispensable Necessity you mean, you are sure without this Army that our Neighbours will invade us, and that it is impossible our Fleets or Militia, however managed, can be able to defend us: whether there is such a necessity or not, I refer you to my Argument; and if there is not, you have given up the Question: For you, in effect, admit a certain Slavery on one side, and if there is but contingent Ruin on the other, it is easy to determine of which side the Balance lies. But you say that the Parliament shall overlook it; but will you be Security the Army shall not overlook the Parliament? O but that can't be if they are kept up from Year to Year! 'Caesar with all his Genius could not work his Army to it in less than ten Years.

Sir, If that be the exact time of corrupting an Army, pray consider that ours hath been kept up nine Years already. But I am as far from any Jealousie of his present Majesty as you are, and yet I am not afraid to say, that Army which can do no hurt, can do no good.

It is impossible to consider of a **STANDING FORCE** which shall be sufficient to oppose a Foreign Power, without considering it at the same time sufficient to suppress the Subject at home: for they must beat those who you suppose can beat us; and I must confess I am unwilling to depend on their good Will.

Sir, *Page 15.* you seem to think me a Jealous, Melancholy and Timorous Man, over-run with the Spleen; but I fancy my self as free from all this without a Place, as perhaps you are with one. Come don't fear *your Stake*, I dare give you Land Security that you will come off a Winner.

And as for the Gallant Gentlemen of the Army, whom you fear will be Losers, I shall be as ready as you to recompence them for their Bravery. But to suppose our Fleets to be surprized and betrayed, our Militia to be recreant, and all our Intelligence, Fidelity and Courage to be lodged in a Standing Army, I must confess is out of my power.

In *Page the 8th* you say, 'You can't see some Men grow all on a sudden such wonderful Patriots, so jealous of the Prerogative, such Zealots for Publick Liberty, without remembering what their Behaviour was in the late Reigns. Now I must own

to you, I am better pleased to see this, than to see some Men who were such wonderful Patriots, &c. in the last Reigns, act the same part now as much as in them lies, as the others are said to have done formerly.

Before I have done I must take notice of one Passage in your 10th Page. You say, 'Whenever the fatal time comes that this Nation grows weary of Liberty, and has neither the Virtue, the Wisdom, nor the Force to preserve its Constitution, it will deliver up all, let all the Laws possible, and all the Bars imaginable be put in the way to it. It is no more possible to make a Government immortal, than to make a Man immortal. When I join this to the sensible Impressions you seem to have of the Danger of a Standing Army in the next Line, and yet an indispensible Necessity of keeping one, methinks you give broad Hints that you think our time is come. But I doubt not there is Virtue enough yet in *England* to preserve our Constitution, though a wiser Head than yours designed its Ruine.

I will conclude in telling you we have a happy Government, where the King hath all the Power necessary to execute the Laws. All Title writes upon an equal distribution of Power; and he that gets an over-balance of Power (for you and I are ballancing) takes away the Title from the rest, and leaves them a Possession without a Right, which is a Tenure at the Will of the Lord.

Now Sir, if a Parliament should subject all the Lands of *England* to this Tenure, I make no doubt your *Stake* and mine would be as safe during his Majesty's Reign, as in our own Possession; and yet if you will promise me to bring in a Bill to that purpose, I am contented that all I have said about a Standing Army shall go for nothing.

Sir, In hopes you will keep up your Correspondence, I conclude my self

1697.

Your most humble Servant.

A New Answer to an Argument against a Standing Army.

Would they who have Nine Years look'd sow'r
Against a *French*, and *Popish* Pow'r,
Make Friends with both in half an Hour:

This is the Time.

Would they discreetly break the Sword,
By which their Freedom was restor'd,
And put their Trust in *Lewis's* Word:

This is the Time.

Would they leave *England* Unprotected,
To shew how well they are Affected,
And get themselves next Bour Elect'd:

This is the Time.

Against the Souldiers Lufts and Gullets,
Would they preserve their Wives and Pullets,
And break our Guns to save our Bullets:

This is the Time.

Would they oblige a Winter Sea,
Their prudent Orders to obey,
Or keep a Standing Wind in Pay:

This is the Time.

Would they but say what th' are pursuing,
Who th' are advancing, who undoing,
Which pack of Knaves shall prove our Ruin:

This is the Time.

A God's Name let 'em shew their Games,
Fix us to one of their Extreame,
A Common-wealth, or else King James:

This is the Time.

The following Speech being spoke off hand upon the Debates in the House of Commons, about a Bill for Naturalizing of Foreigners; you cannot expect in it the Exactness of Roman Eloquence; but you have the freedom, and bravery of the old Roman, and true English Spirit, zealous for the good of their Country, and bold in all its Dangers. And if other Corporations and Shires would take the like care as B——l, they might

be as happy in the Choice of their Representatives; and then, and never till then, may we hope to see poor England become Old England again, Rich and Happy at home, Glorious and Renowned abroad. Towards which, this worthy Patriot has set a Noble Example; and that it may Inspire and Incourage others, and prompt, and enable the Country to distinguish such from Pensioners, and wretched Betrayers of their Country and Posterity, is the design of making this Publick, from a Copy which I procured from a Member of the House of Commons, who took it in Short Hand, as it was spoke. 1694.

Mr. Speaker,

I Have heard of a ship in a violent storm, in danger of perishing every moment; [it was not such a sham storm as we were lately entertained with in the *Gazet*, which deceives the People, that many ships going for *France*, Laden with Corn, were cast away, tho' those ships, and many more are since safely Arrived in *France*; but it was such a real storm, as on the 7th. of the last Month destroyed on the Coast of *Cornwall* upwards of 70 sail of our *English* ships, most of which were Laden with Corn, and several sorts of Provisions, for the use of our *Dutch* Allies, to enable them to live cheap, by making the same dear at Home; perhaps some was for the support of our half starv'd and unpaid *English* Soldiers now in *Flanders*; when perished likewise more than 700 Sailors, who have left a great many Widows, Children, and poor Relations, to Curse our Conduct at Sea, the cause of this Calamity: In such a Dreadful Storm it was that the foresaid Ship was in] when the good Commander seeing the Danger, and apprehending Death, desired his Crew to Assist with Resolution, and Preserve themselves and the Ship, which the Sailors refusing to do, he retired to his Cabbin, humbled himself in Prayer, and implored the Powers, that alone can save in time of Need; that tho' the ship and the company might be justly swallowed up, for the disobedience of the Sailors, yet that he, and his Cabbin might suffer no Damage.

Sir, I cannot, as that good Commander did, be so vain as to hope, that either my self, or the place for which I serve, can be preserved from the general inundation, which this Bill we are now debating lets in, on the Liberties of my Native Country and country-men; and therefore be unconcerned for the good of *England*, provided *Bristol* were safe: To hope for and expect happiness in Life, when all Mankind but my self are Dead,

Dead, would not be more deceiving, than to propose comfort and security to my self and *Corporation*, when strangers are admitted to possess and enjoy, by a Law, all that's valuable in this Kingdom; for this Bill doth enfranchise all strangers that will swear and protest against *Popery*, with the Liberties of every *English* Man, after the vast expence of Treasure and *English* Blood, it hath cost this Kingdom in all Times and Ages of our Fore-fathers, to secure them to themselves, and their Posterity.

Wherefore, Mr. *Speaker*, I must beg pardon, if at this time I cannot sit silent, but express a zealous concern, as well for the Kingdom in general, as for the place I Represent in particular; and I am more moved thereunto, whilst I see so many Members sent here by their *Country*, for the conservation of the *English* Mens Liberties, so warm as to part with all to strangers with one Vote.

The Argument of the Honourable Person near me, to render all the care of our Fore-fathers of no Esteem amongst us, who are or ought to be the Representatives of the Kingdom, was to prove, that this Age and Generation are Wiser (he did not say Honester) than the former.

I remember a West-country man many Years past, undertook to prove the same to me, and my Company beyond Sea, by declaring his Father was a fool to him: I yielded him that point, by concluding both to be such, and yet our Fore-fathers might be Wise Men; I shall not at this time question the wisdom of those who promote the Bill, or their fathers. For my self, I declare in behalf of the wisdom and honesty of our Predecessors; nor can I Assent to the yielding up of the Liberties and Laws they derived unto us, only because some Gentlemen think better of themselves (and perhaps mistakenly) than of their Parents.

Sir, I was early instructed in a Principle of deference to the Wisdom of our Ancestors; and at this time I tremble, when I reflect on the Correction given me by my Master, that I might not forget, but imitate and defend in all times this Rule: *Let them only be accounted Good, Just, and Wise Men, who Regard and Defend the Statutes, Laws, Ordinances, and Liberties, which their Fore-Fathers Wisdom and Experience obtained for themselves and Posterity.* Now it is my Opinion, Mr. *Speaker*, that if those Gentlemen who approve of this Bill, had not only been taught that Rule, but as well Corrected as my self, they would be of my Judgment; and I wish that they who depart from that Rule, and sacrifice our *English* Liberties, to a num-

ber of mercenary Forreigners, may not meet with a much more Rigorous and Exemplary Chastisement from their Enraged and Ruined Country Men.

The Arguments used for the Bill, are in substance these: *First* A want of Purchasers for our Lands. *Second*, Of Merchants. *Third*, Manufacturers, who can work cheaper than the *English*. *Fourth*, Husbandmen to Till the Ground.

To all these I shall return short Answers; but if I debate now on them with that Advantage and Reason as our Land Admirals can (no doubt) with great ingenuity on Sea Politicks, I hope the House will pardon me, for my Observations never cost the Kingdom such Expence of Money at Home, and Losses at Sea, as hath the Experience of those Honourable Persons in Sea Affairs.

First, It's Argued by some, that we want Purchasers for the Lands; this is a melancholy Consideration, I therefore desire those Gentlemen who approve of this Bill, to tell me what it is hath brought us to this Condition, that the Landed men of *England* are Reduc'd to so Low an Ebb, that they must Sell, and none left able to Buy, unless Forreigners are Naturalized; Doth this prove our Fore-fathers wanted Understanding: Or, doth it not rather conclude its occasioned by our want of theirs, and not following their Examples, who never Taxed their Country to the Ruin both of themselves and their Posterity, nor did they Expend the Mony of the Kingdom on such Allies as Ours: who as we have been informed by some of the *Privy Council*, are not in our interest, and will spare us none of their Men for our Pay, without great Pensions likewise for themselves. Can any Man hope to perswade me, that our Fore-fathers would have brought Forreign Soldiers into *England*, and pay them, and Naturalize them likewise, and at the same time send the *English* Souldiers abroad to Fight in a strange Land without their pay?

Let us abate our Taxes, and after the Wise President of our Fathers, pay our own Sea Men and Soldiers at home, and send the Forreigners back. Then the Mony will be found circulating at home, in such *English* mens hands, who may Buy the Lands that are to be Sold, without Naturalizing strangers.

Secondly, It's said we want more Merchants: Whom may we thank for bringing so many to Poverty? but I shall forbear grating, and desire the Liberty to consider in short how the Trade of *England* hath hitherto been carried on. Gentlemen have placed their younger Children to Merchants, their Masters observing

observing their honesty and diligence, when they have gained some experience in the necessary parts of Trade, generally send them abroad to *Turkey*, all parts of the *Levant*, to *Spain*, *Portugal*, East and West *Indies*; and all parts where *England* holds any considerable Commerce: there the young men are employed by, and entrusted with the Stocks and Estates of their Masters and Friends, whereby all parties, both the Principals at home, and the Factors abroad, are advantaged, and *England* enriched (for there in the-end all Centers) and at last, when they are satiated with Gain, they return to their native Soil, their Friends and Relations for Ease and Enjoyment, making room for a younger generation to succeed in their profitable Employments. Thus hitherto this Kingdom hath advanced in Riches, whilst Forreigners could not with success plant their Factories on us, through the advantage we had by our Laws; let us but turn the Tables, and consider the consequence: Suppose we pass this Bill, and the *Dutch* (who no doubt will take the Oaths as this Bill directs, and protest against *Papery* and *Paganism*, and on occasion *Christianity* too, as at *Japan*) send their Servants and Factors hither, and we Naturalize them, and let the Capital Stock, which gets an Employ to these new made *Englishmen* belong to their Masters and Friends, who never did or ever will live amongst us; will it not then follow that the Profit will be theirs and not *Englands*, and will not the New made *English* (yet *Dutch Men* still) return to their Country and Friends with their gain, as our People hitherto have done. We may observe by our Inland Trade, that it's seldom they who make the Manufactories gain Estates, but those who employ their stocks in buying and selling what others make; and it's the same with the Merchants, those that Export and Import are the gainers; the first maker very seldom, the Consumptioner never.

The Conclusion then of this Experiment must be this. That what hath hitherto been gain to *England* by *English* Merchants and Factors, will be turned to a Forreign Land, by the Forreign Merchants Naturalized, for their own good, not *Englands*.

But this is not all, for at once the Art of Navigation will be rendered useles. Whence then will be a Nursery for Sea Men? For Forreign Merchants will Naturalize Forreign Sea men; and when the Press-Masters find them, they will *Dutchen* *spreken*, *ya min heer*, and avoid the Service, but at the *Custom-House*, *Exchange*, and in all Corporations, they will be found as good *English men* as any be of this House; from whence it followeth,

that Trade will be only carried on by Forreign Merchants and Sea-men, and the *English* Sea-men Condemned to our Men of War, and perhaps live there, as hitherto without their Pay, till another Million be owing them for Wages, and in the interim have this only consolation and reward for service done, and to be done, that their Wives and Children may be subsisted with the Alms of the Parish, whilst Forreign souldiers are maintained at home and abroad with *their* pay.

A third Argument for admitting *Forreigners*, is upon a supposed want we have of *Manufactures*, especially such as will work cheaper than the *English*; In my Opinion this reasoning is extraordinary, and ought not to take air out of the House, least the Old *English* spirit should exert it self in defence of its Liberties, for at this time when all provisions are become excessive dear by the great quantities exported to *Holland*, which puts the poor *English* Manufacturers on starving in most parts of *England*, for want of a full Employ to Enable them to support their Families, by their honest and painful Labour and Industry, shall an *English* Parliament let in strangers to under-sell our Country, which they may easily do, whilst they live in *Garrets*, pay no Taxes, and are bound to no Duty; How shall we answer this to our Country, who sent us here? when by so doing, instead of making the Kingdom more populous, we provide only for the subsistence of *Forreigners*, and put our Country-men to the Choice of starving at home, or to turn Soldiers, and be sent to *Flanders*, and starve there for want of their Pay; for its well known that at this time, more commodities are made in *England* than can be consumed abroad, or at home, which makes the poor Manufacturers so miserable. All Country Gentlemen within this House, have for several Sessions laboured what they could to raise the price of the Provisions which their Lands produce, and some think it not great enough yet, and they would despise that man, who should endeavour to lower the Rates, by proposing a free Importation of *Irish* Cartel and Corn, tho' he had no other design, than that Charitable and necessary one of relieving the poor; and yet these very Gentlemen are for this Bill, because they would have the labour of the poor brought to a lower advantage: In my Opinion this is a very unequal way of reasoning, that whilst we raise the price of the product of the Land, for the Gentlemen to live in greater state, at the same time our Consults are how to make the half-starved Manufacturers that live by their daily labour, more and more miserable. What Opinion will the Common people of *England* have of this House, and the Gentlemen of the Kingdom, whom nothing can please, but what is made by *Forreigners*, or comes from abroad?

Our

Our Pallats for a long time have been so nice, that nothing but a *French Cook* could please, nor could we perswade our selves that our cloathing was good, unless from Head to Foot we were *Alamode de France*; The Gentleman was not well served without a *Frenchman*, and the Lady's Commode could not sit right, if her fine *French Woman* did not put it on: Now on a sudden, the change is as Violent in favour of the *Dutch*, who are great Courtiers, and the only taking people, and our *English* are a sort of Clumsy-fisted People, if compared with the modish *Dutch Hans* and *Fro*, and in short the *Englishmen* are fit for nothing, but to be sent to *Flanders*, and there either to fight, steal, or starve for want of pay. There is one thing, *Mr. Speaker*, which comes into my mind, with which I shall close this Consideration. What reason was there for blaming the Mayors, Aldermen, Common Councils, and other Governours of Corporations, for surrendering the Charters, tho' they still retain'd the Rights for *Englishmen only* to come into new Charters, and at the same time hope to Justifie our proceedings, tho' we throw up the Great Charter of our *English* Liberties to admit Strangers?

A fourth Pretence for this Bill is, a want of Husbandmen to Till the Ground, I shall say little on this Head, but request the Honourable Person below me, to tell me of the *Forty Thousand French*, which he confesseth are come into *England*; How many does he know, that at this time follow the Plow tail? for it's my firm Opinion, that not only the *French*, but any other Nation this Bill shall let in upon us, will never transplant themselves for the benefit of going to plow; they will contentedly leave the *English* the sole monopoly of that slavery.

Upon the whole, *Sir*, its my judgement, that should this Bill pass, it will bring as great Afflictions on this Nation, as ever fell upon the *Egyptians*, and one of their Plagues we have at this time very severe upon us; I mean, that of their Land bringing forth *Frogs* in abundance, even in the Chambers of their Kings: For there is no entring the Courts of *St. James* and *Whitehall*, the Palaces of our Hereditary Kings, for the great Noise and Croaking of the *Frog-Landers*.

Mr. Speaker, This Nation is a *Religious*, *Just*, and *Zealous* Nation, who in some of their Fits and Zeal, have not only Quarrelled and Fought for the same, but have Murthered and Deposed *Kings*, *Nobles*, *Bishops*, and *Priests*, for the sake of their Religion and Liberties, which they pretended to prove from the Bible, we are the *Religious Representatives* of this *Religious People*, Let us therefore learn instruction in this Case before us, from that good Book; where we may be informed, that *St. Paul*,
by

by being born Free of Heathen *Rome*, escaped a Whipping, and valued, and pleaded that Priviledge, and the Chief Captain of the *Romans* prides himself, that he, with a great Sum, had obtained that Freedom, and feared greatly when he had violated *St. Paul's Liberty*, by binding of him, and, Shall we set at nought the Freedoms of the *English Nation*, who are a Religious Christian Kingdom, and part with the same to strangers, for nothing, unless the undoing of our own Country men, who sent Us here; *but not on this Errand?* Certainly we should follow the Example of the *Roman Captain*, and fear and tremble when we consider the Just Provocation we shall give to the Kingdom, who will expect that We Preserve, and not Destroy every *English Man's Birth-right*.

Sir, We may further learn, from that Book, the Fate of the *Aegyptians*, who experimented on the score of Charity, what it is a people may expect from admitting strangers into their Country and Councils; *Joseph* was a stranger sold a Slave into *Aegypt*, yet being taken into *Pharaoh's Council*, he, by Taxes, and other fine projects, brought the seven years plenty God had blest the *Aegyptians* with, into the Granaries of *Pharaoh*, but when Dearth came on the Land, and the people cryed to their King for Relief, they were sent to the stranger *Joseph*, who getteth from them, for that which was once their own, all their Money, their Cattle, their Lands, and last of all, their Persons into Slavery; tho', at the same time, he did far otherwise by his own Country-men, for he placed them in the best of the Land, the Land of *Goshen*, and nourished them from the King's store. This Example should teach us to be wise in time, seeing all this was done by the Advice of one Forreigner in the Privy Council; and what may that Country expect, where the Head, and many of the Council are Forreigners?

Sir, I perceive some Gentlemen are uneasy, perhaps I have offended them, in supposing they are Religious Representatives; or concluding that their Religion is to be proved from the Bible: if that be it which displeaseth, I beg their pardon, and promise not to offend again on that score; and will Conclude all with this Motion, That the *Serjeant* be commanded to open the Doors, and let us first Kick the Bill out of the House, and then Forreigners out of the Kingdom.

*The Speech of a Member of the House of Commons
in 1696. for the Repealing a Grant made to Min
Heer Benting, of several Lordships belonging to
the Principality of Wales.*

Mr. Speaker,

THE Petition now presented unto you, in behalf of our
selves and Country-men, tho' subscribed by few hands,
yet has the Sense and Approbation of Thousands, who
are not influenc'd by their own Interest, but by the Honour
they have for the Crown, and the Welfare of the *Brittish* Na-
tion.

If I could conceive that the Glory and Grandeur of *England*
was, or could be upheld by a poor Landleis Crown, and a mi-
serable necessitous People, I could then be easily perswaded to
believe that his Majesty was well advis'd to Grant away all
the Revenues of the Crown, and that his Government thereby
could be well secured, and his People best protected when
they had nothing left them. I am sure this is not *English*, but
Foreign Policy, who may revere the King, but hate us.

The Kings of *England* always Reigned best when they had
the Affections of their Subjects; and of that they were secure
when the People were sensible that the King was entirely in
their Interest, and loved the *English* Soil, as well as the Peo-
ple's Mony. When Kings had a Landed Interest coupled with
their Power, then it was most stable and durable; as is mani-
fest by the antient Demesne-Lands, and other large and Royal
Revenues; the many and great Tenures the People then held
their Estates under, which created then such an indissoluble U-
nion and Dependance, that they supported each other; and it
is observeable, that the separation of the Revenues from the
Crown, has been in all Ages the occasion of rendring the *Eng-
lish* Government precarious: And that it might not be so, your
Petitioners with a Dutiful deference to his Majesty, do repre-
sent to you (the Great Council of the Nation) This, Theirs,
and the Peoples Case, for Redress and Remedy according to your
Wisdoms.

Give me Patience and Pardon, and I will lay before you the
true State of the Fact upon the Petition, the manner of the
Grant, and what is Granted.

The

The three great Lordships or Hundreds of *Denbigh*, *Bromfield*, and *Tale* in the County of *Denbigh*, for some Centurie have been the Revenues of the Kings of *England*, and Prince of *Wales*; to which Lordships your Petitioners and above 150 Freeholders more are Tenants, Pay Rents, Suits of Courts and other Royal Services. These Lordships are four parts in five of the whole Country, being the best and most plentiful part the Country, and thirty Miles in Extent.

The present Rents to the Crown are but 1700*l. per an.* besides Herriots, Reliefs, Mises, Wafts, Estreats, Perquisites of Courts, and other contingent Profits; there are also great Wafts and Profitable, of several thousands of Acres, Rich and Valuable Mines, besides other great Advantages a mighty Favourite and a great Courtier might make out of this Country.

Your Petitioners being casually inform'd last Summer, that a Grant to the Earl of *Portland* of the Lordships of *Denbigh*, *Bromfield*, and *Tale*, was at the Treasury in order to be pass'd, your Petitioners did oppose the said Grant; and upon considering the Grant, they found not only the three Lordships, but also near 3000*l. per an.* of your Petitioners and their Countrymens antient Inheritances expressly Granted: so that if all that was comprised in the Grant had pass'd, it had been a very Noble Royal Gift, worth at least 100000*l.* Nor was this Grant made for any short time to this Noble Lord, being to him and his Heirs for ever, and yet not much to the Advantage of the Crown, having only a Reservation of Six Shillings eight pence a Year to the King and his Successors.

These Facts were laid before the Lords of the Treasury, by your Petitioners, who cannot say, but they were well heard, well understood, and hope, truly represented; only with this Remark, that the Docket sign'd by the Lords of the Treasury for the Grant, was dated and carried to the Privy Seal, a Month before the Lords of the Treasury had ordered your Petitioners to be heard at the Treasury against the Grant. The next Stage we had was to attend that Noble Grant from the Treasury to the Privy Seal, where, I must confess, our Reasons and Complaints were heard with all Candour and Goodness, by that Noble Lord who had the Custody of the Seal; and I believe sincerely has truly represented the whole affair: And that is the Reason at present that this Grant halts, I suppose till the Parliament rises, and then I doubt not but it will find Legs and take its journey.

Having made our Applications in the proper place to stop the said

id Grant, and that without success, it becomes a Grievance; and we hope this Honourable House will redress it.

These Lordships for many Ages have been the Revenues of the Kings of *England*, the support of several Princes of *Wales*, have been settled upon them and their Heirs, and the Kings of sundry Patents, and confirmed by several Acts of Parliament.

This Royal Dominion in most Reigns has been attacked by great and powerful Favourites, but with little success; for in the fourth of Queen *Elizabeth* some parts of this Revenue were granted to some of her Creatures, but attended with so many law-suits, and general Disturbances, that the Queen interposed, and the Freeholders gave large Compositions for their peace, and the Queen by her Charter confirm'd their Estates.

In the fourth Year of K. *James* the first, these Lordships were settled upon Prince *Charles* and his Heirs Kings of *England*; but his Servants were (as most Courtiers are) willing to make use of their opportunities, and had gotten some Grants of great part of these Revenues, and proved so vexatious and troublesome to the Country, that the Freeholders came to another composition, and gave 10000*l.* for their Peace, and for the settling of their Estates, Tenure and Commons, which were confirmed by Parliament in the third Year of the Reign of *Charles* I.

In the late Reigns, however calumniated, there were many great Applications made for Grants of some members and parts of these Lordships, which were always rejected as too powerful a Trust for a Subject. If the Part were so; what shall the Grant of the whole be?

History and Records tell us that the Grants of these Lordships, have been very fatal to either Prince or Patentees, the one either lost his Crown, or the other his Head: It is therefore dangerous meddling with such ominous Bounties.

I must likewise observe to you, that the Long Parliament in King *Charles* II. his Reign, when they passed an Act for the Fee Farm Rents, excepted those within the Principality of *Wales*, which is a plain intimation that the Parliament thought them not alienable, or fitting to be aliened, but rather to be preserved for the support of the Prince of *Wales*.

There is a great Duty lies upon the Freeholders of these Lordships upon the Creation of a Prince of *Wales*; They pay the Prince 800*l.* for Mises, which is such a Duty, Service or Tenure, that it is not to be severed from the Prince of *Wales*; and

and how this Tenure can be made reconcileable to this noble Lord's Grant, will be a great Difficulty.

If we are to pay these Mises to this Noble Lord upon this Grant, then he is, or is *Quasi* a Prince of *Wales*; for this Duty was never paid to any other; but if it is to be paid to the Prince of *Wales*, and likewise to this Noble Lord, then we are doubly charged: But if it be to be paid to the Prince of *Wales*, when he has no Royalty left in that Dominion, and not to be paid to this Noble Lord, who by this Grant is to have the whole Lordships, it creates a Repugnancy in the Tenure of our Estates.

But I suppose this Grant of the Principality, is a forerunner of the Honour too, and then I shall fancy we are returning to our Original Contract; for as Story tells us, That we were first brought to entertain a Prince of *Wales*, by recommending him to us, as one that did not understand the *English* Tongue, and our Forefathers thence inferred that he must be our Country-Man, and no Forreigner, and one that understood the *Brittish* Language. How we were deceived therein is palpable.

I suppose this Lord doth not understand our Language, nor is it to be suppos'd that he will come amongst us to learn it, nor shall we be fond of Learning his.

But since I have minded you of our *Welsh* original Contract, which is of so long a standing, I would not have you forget another Contract made not above seven or eight Years since, which is the Foundation of our present Government; I mean the Bill of Rights and Liberties, and settling the Succession of the Crown, which is so much forgotten in Discourse or Practice, that I have not heard it nam'd in Parliament, but once the last Parliament: And I find it as much forgotten in the Administration. I would gladly know from those who are better vers'd in Prerogative Learning than my self, whether his Majesty can by the Bill of Rights, without the consent of Parliament, alien or give away the Inheritance, or an absolute Fee of the Crown Lands? If he can, I would likewise know to what purpose the Crown was settled for Life, with a Remainder in Succession, if the Tenant for Life of the Crown can Grant away the Revenue of the Crown, and which is incident to the Crown; or can the King have a larger Estate in the Revenue, than he has in the Crown, to which it belongs? Far be it from me to speak or think any thing in derogation of his Majesty's Honour and Care of us,

It cannot be intended that he shall know our Laws, who is a stranger to us and we to him, no more than we know his Counsels, which I wish we did; I mean those new Advisers. However those of his Counsellours or Ministers, those whom we do know, and those thro' whose hands the Grant did pass, by advising the King to grant what by Law he could not, are guilty of the highest Violation of the Laws and Liberties of *England*, strike at the Foundation of the Succession, and tear up the Bill of Rights and Liberties by the Roots: It was their Province and Duty to have acquainted the King with his Power and Interest, that the antient Revenue of the Crown is sacred and unalienable in time of War and the People's Necessities.

By the Old Law, it was part of the Coronation-Oath of the King's of *England*, not to alien the ancient Patrimony of the Crown without the consent of Parliament; but as to those Oaths of Office most Kings have Court Casuists about them, to inform them that they have Prerogative enough to dispense with them.

It has been the peculiar Care of Parliaments in all Ages to keep an even Ballance betwixt King and People, and therefore when the Crown was too liberal in their Bounties, the Parliaments usually resum'd those Grants, which was very frequent; for from the Reign of *Hen. 3d. of England* to the 6th year of *Hen. 8.* there was one or more Bills of Resumption in every one of those Kings Reigns, save one of them. In the time of *Henry 5.* there was an Act of Resumption of all that was granted from the Prince of *Wales* in all that Principality; and yet those Acts were not lookt upon by those Kings (of whom some of them both good and great) any lessening or diminution to their Prerogatives, it being consider'd, that Kings have their failings as well as other Men, being clothed with frail Nature, and are apt to yield to the Importunities of their Flatterers and Favourites, therefore it becomes necessary that the great Council of the Nation should interpose for the Interest of the King and People.

The Commons of *England* always entertained an Honourable Jealousy of their Princes, when they perceived their Expences at home or abroad, their Gifts and Boons to their Favourites to be too large and exorbitant, and have therefore by their Petitions and dutiful applications to the Crown, advis'd the Kings of *England* to retrench their Expences, and not to alien and give away the Revenues of the Crown, lest they should become burthensome to the People, and chargeable to the Commonwealth, and that they would live upon their own Revenue.

§ *Tallagis Populi*. These were their just and frequent ways in elder time to repair the languishing Estate of the Crown.

And as we are an Island, and subject to Invasion, so the Parliaments of *England*, were very watchful that other Countries should not outdo them in Trade and Naval Strength; that Forreigners should have no more footing or strength or settlement in *England*, than was conducing to carry on the Trade and Commerce of the Nation; and when ever Princes entertain'd Forreigners as their Counsel or Chief Advisers, the People of *England* were restless and uneasy until they were removed out of the King's Counsels, nay out of the Kingdom. And Instances are many in History and Parliament Rolls, what great Men and Forreigners being Favourites, were banished the Land, for procuring to themselves too large a proportion of the Royal Revenue, especially in time of War, and the People's necessities.

As for instance in K. *Stephen's* time, who usurped the Crown of *England* from *Maud* the Empress and her Son King *Hen. II.* *William de Ipres* a Netherlander was brought over with great numbers of his Country-men; to which *William de Ipres*, that King *de facto*, gave an Earldom, and made him so great a Confident, that he was in all his Counsels, and obtain'd great Grants, not onely for himself, but also for his Country-men the Netherlanders, called then Flemmings, who then swarmed so thick about that King's Court, that *Englishmen* were scarce known or regarded, at which the People were so enraged, that they importun'd King *Henry* the II. when he obtain'd the right of his Crown, to seize on all which K. *Stephen* had given the Forreign Favourite and his Accomplices, and banished him and his Friends the Netherlanders, from his Court and Kingdom.

The like Complement was made by the People to K. *Richard* the first, for the removing and banishing of the Duke of *Saxony*, his own Nephew and his Sister's Son, being a Forreigner, and all his German Friends.

The same Address was made by the People to *Henry III.* to banish his half Brethren being Forreigners, and all their *Poitovian* Friends.

The same Address was made by the People to *Edward II.* to do so with the Lineage of *Gaveston* and all his *Gascoigners*; and did not *Edward III.* do the same with all his *Bohemian* Friends?

Henry IV. and other following Princes took the same Method upon the humble and hearty Petition of the People, sometimes in Parliament and sometimes out; and in these Cases the Kings seised and took to themselves all the Revenues of the Crown that they

they had given them, and always sent those Foreigners to their own Countries.

For these Reasons given, in many of those instances, the People of *England* disliked and opposed them, fearing both their Power and Counsels, and that they would become heavy and burthensome to the State, and that *England* was able to Foster one but her own Children.

I must needs confess that my thoughts are strangely troubled with the Apprehension of our deplorable State: We are in a Confederacy in War, and some of those Confederates our Enemies in Trade, tho' planted amongst us, some in the King's Council, some in the Army, and the common Traders have possess'd themselves of the outskirts of the City. We find some or other of them Naturaliz'd, and others made Denizens. Every Parliament we find endeavours for a general Naturalization, and that warmly solicited from Court: We see our good Coin all gone, and our Confederates openly Coining base Money of *Dutch* Alloy for us: We see most places of Power and Profit given to Foreigners: We see our Confederates in Conjunction with the *French* to ruin our *English* Trade: We see the Revenues of the Crown daily given to one or other, who make sale of them, and transmit their Estates elsewhere: We do not find any of them any Lands or Estates amongst us; but what they can get from us they secure in their own Country.

How can we hope for happy days in *England*, when this great Man, and the other (tho' Naturaliz'd) are in the *English*, and also in the *Dutch* Counsels: If those Strangers, tho' now Confederates, should be of different Interests, as most plainly they are at point of Trade; to which Interest is it to be supposed those great Foreign Counsellors and Favourites would adhere? So that I foresee when we are reduc'd to extreme Poverty, as now we are very near it, we are to be supplanted by our Neighbours, and become a Colony to the *Dutch*.

I shall make no Remarks on this great Man, for his greatness makes us little, and will make the Crown both poor and precarious; and when God shall please to send us a Prince of *Wales*, he may have such a Present of a Crown made him, as a Pope did to King *John*, who was surnamed *Sanfterre*, and by his Father *Henry II.* made Lord of *Ireland*, which Grant was confirmed by the Pope, who sent him a Crown of *Peacock's* Feathers, in designation of his Power, and the Poverty of his Revenue.

I would have us to consider, we are *English* men, and must, like good Patriots, stand by our Country; and not suffer it to become Tributary to Strangers: We have rejoyc'd that we have

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beat out of this Kingdom *Popery* and *slavery*, and now do with as great Joy entertain *Socinianism* and *Poverty*; and yet we see our Properties daily given away, and our Liberties must soon follow.

Thus I have represented unto you, the Nature of this Mighty Grant to this Noble Lord, the ill Consequence that must attend the publick, and more particularly this County, by the passing of it; the Remedies that our Fore-fathers took to cure this mischievous ill were known.

I desire more redress than punishment. Therefore I shall neither move for an Impeachment against this Noble Lord, nor the Banishment of him; but I shall beg that he may have no power over us, nor we any dependance upon him: Therefore I shall conclude my motion, that an Address be made to his Majesty, to stop the Grant that is passing to the Earl of *Portland*, of the Lordships of *Denbigh*, *Bromfield*, and *Yale*, and other Lands in the Principality of *Wales*; and that the same be not Granted but by Consent of Parliament.

Accordingly that same Sessions, there was an Address presented; begging that the Grant might be recall'd, which accordingly was done. This was in the Year 1694. And the May after the following Grant was made in Recompence for the Revenues of the Principality of *Wales*.

May 7. 1696.

A Grant to *William* Earl of *Portland* of the Mannor of *Grantham* in the County of *Lincoln*; Honor of *Penereth* in the County of *Cumberland*; Mannor of *Dracklow* and *Rudneith* in the County of *Chester*, Mannor of *Terrington* in the County of *Norfolk*; Mannors of *Partington*, *Bristol*, *Garth*, *Homsey*, *Thwing*, *Burnisley*, and *Leven* in the County of *York*, all Parcel of the antient Revenue of the Crown of *England*, and of the Mannor of *Pavensey* in the County of *Sussex*; Parcel of the Dutchy of *Lancaster*, and of all the Lands, Tenements, and Hereditaments thereunto belonging, to have and to hold the same to the said Earl and his Heirs. As of his Majesty's Mannor of *East Greenwich* in the County of *Kent*, under the Rent of 4*l.* 13*s.* 4*d.* payable at *Lady Day* Yearly. And such Clauses, Powers and Proviso's are inserted, as were directed by Warrant under his Majesty's Royal Sign Manual. There is likewise Granted to the said Earl of *Portland*, all the little Remainder of the Fee-Farm Rents, worth to be Sold 24000*l.* Given of meer Bounty 22000*l.*

A Letter of Advice to the Citizens of London,
and Others, Electors of Members to serve in
Parliament.

Gentlemen,

Meddle not with them that are given to Change. Your Lives, Liberties and Estates; your all is at stake; God and the King having restored the Nation to its ancient Right of frequent Parliaments; it therefore highly behoves you to set a good Example to the Kingdom (whose Eyes are upon you) in exerting your selves with all the Wisdom, Caution and Integrity you can, in the choice of your Representatives for the ensuing Parliament, for it may be, there has never happened so odd and strange a Conjunction as this which we are under; you ought then, to be very serious and diligent in the business of your own safety; in the business of securing to your selves and your Posterity, your Religion and the Laws and Liberties of England; in the business of resisting the threatening Attempts and Designs of Popery and French Tyranny: See then that you do not lose your selves fatally by your own choice; Shew a due regard to God's Providence; and be careful to fix your Choice to Men, whom you know to be steady and well affected to the Government; Who are able and bold to serve you, in promoting the establishment of what God has so miraculously and propitiously begun; and betray not the common Interest of your Country, and of the Protestant Interest in Europe, by a base Election; Let not the recompence of private Favours from a Neighbour, influence your Choice. Men do not use to lend their Wives, or give their Children to satisfy Personal Kindnesses; there can be no proportion here; and therefore none can take it ill that you use your freedom, about that, which in our Constitution, is the great Bulwark of the ancient English Liberties: and if you would not lay a Foundation of Vassalage to your unborn followers, then seriously weigh these following particulars.

1. In your present Election, Consider who have served you with Fidelity and Courage; not only in the last Parliament, but also in the arbitrary and violent attempts upon our ancient Rights and Privileges, by the Quo Warranto against your Charter, and by the design of wresting from you the undoubted Right of Electing your own Sheriffs; and that at a time when they, exposed

posed themselves in your Service, to the hazard of their Heads.

2. Have a care, not only of those *Temporizers*, who did heretofore, in a bare-fac'd way, set themselves to betray, and deliver you over to Slavery; but of the Men of *fearful Dispositions*, who in the day of your distress, abandoned good Sense, Truth, and your real Interest, out of a dread of the displeasure of some great Men.

3. Fling not your choice upon *Persecutorors*, such Men there still are amongst you; for though the *Meetings of Dissenters* are become as legal as those in your Churches, yet, as that excellent Person the *Bishop of Salisbury* hath lately very well expressed himself; *Men may be still Persecutors; though they are not able to persecute any longer; according to our Saviour's charging the guilt of intended Sins, on those who never acted them.* But cast your Votes upon Men of large Principles, such as would not sacrifice their Neighbours Property, to the frowardness of their own Party in Religion: Such as will inviolably maintain *Civil Rights*, for all that will live soberly and regularly, under the Government.

4. Chuse *Sincere Protestants*; Men who thanked God for the discovery of the *Popish Plot*, and for our late blessed deliverance; Men who wish, as the good Lord Russel did, that Church-Men would be less severe, and Dissenters less scrupulous: Men who have zealously and boldly in despite of danger, applied themselves to oppose the *Popish Interest*.

5. Above all, beware of those who are sullied and Polluted with the Blood of Protestants; observe but which way they, and the Betrayers of your Rights incline; and cast your Votes against them, and you will not go amiss: for *Noscitur e socio*, is a sure Rule.

To be plain, tho' I would not maliciously criminate particular Persons; I must reommend it to you, to review the Transactions amongst you, in some past Years; and then you will not appear so base spirited, as disingeniously to slight those worthy Persons, who have so well merited of you; and with such Courage and Constancy exposed them in your Service.

You cannot surely forget, that for three successive Parliaments, after the discovery of the horrid *Popish Plot*: you did elect, and that usually with an unanimous vote, Sr. Thomas Pilkington (now Lord Mayor) Sr. Robert Clayton, Sr. Thomas Player and Alderman Love; for your Representatives; That at the Election in October 1679, when there were five or six Thousand of the *Livery-men*, upon that occasion assembled; the Yorkists backt with the Lieutenant

of the City, could not number five Hundred, against you and those worthy Patriots; for shame then degenerate not in this day, return not now with the Dog to his Vomit.

Be pleased to remember, the good advice given you by Sir Robert Clayton, when you did him the honour to elect him your Lord Mayor: 'Let it never be said of this famous City, as it was of old Rome, *Roma suis viribus ruit*: Unite, or no less than utter ruin is threatned to the whole Protestant Interest: And what he delivered, at his surrendring that honourable Chair, to his well deserving Successor Sir. Patience Ward.

'Tho' there be difference in opinion, and the outward Modes and Forms of Divine Worship, let not these, in the least divide us, or divert us from our common defence.

Remember also how well and worthily Sr. Patience Ward expressed himself to you, when he took the Chair. 'We have great reason to apprehend the Papists are secretly undermining us: and amongst other wayes, by raising and fomenting divisions, and animosities amongst us; to obviate this, and to uphold the Protestant Religion; nothing can more conduce: than Union in affection, however We may differ in some Circumstantial.

You ought not to forget your own zeal against Popery, when at your unanimous Election of your said Members to the Oxford Parliament; you in the Common-Hall, agreed and presented to them an Address of Thanks, for their manifold services in the two last Parliaments; in which they represented you: and for their faithful and unwearied endeavours, to search into the depth of the hellish Popish Plot; to promote the happy and long wished for union amongst Protestants; and especially for what progress had been made towards the Exclusion of the Duke of York; whom you then declared, to be the Principal cause of all the ruine and misery impending these Kingdoms in general, and your City in particular.

Gentlemen! It is well known, that being thus encouraged and instructed; Sr. Robert Clayton, did in a time of eminent peril, make the very first motion in the Oxford Parliament, for that necessary Bill of Exclusion, in these Words.

'I confess I have been full of Expectation of some Expedients, to secure the Life of the King, and the Protestant Religion, without the Bill for Excluding the Duke: my expectation was from those, who opposed the expedient of the Bill: for I can call it no otherwise; I have, in my weak Judgement, weighed all Expedients, I have heard of, and they seem all to me, to be a breach of the Constitution of the Government, and to throw us into Disorder and Confusion: I have heard that it hath been an an-

right Usage, that Members have consulted their Cities, Boroughs and Counties, in any thing of weight, as well as giving Money, before they resolved: The practice was good, and I wish it were continued, and we can discharge our Trust no better, than in observing the direction of those who sent us hither; I received an Address from the City of London, (having the honour to be one of their Representatives) in the matter of this Bill of excluding the Duke: I heartily wish some Expedient might be found out, to save our Religion without it; but I must pursue my Trust, therefore I move a Bill may be brought in, to Exclude all Popish Successors, and in particular James Duke of York.

You also know, that after the hasty and astonishing Dissolution of that Parliament, you your selves in your Application to the Lord Mayor and Court of Aldermen, in April 1681, desired them to return your Thanks to your Representatives in the Oxford Parliament; and protested against those who insinuated, that the Declaration of King Charles the second, of his Resolution to have frequent Parliaments; was a full security against the Fears of Popery, and the Designs of the Conspirators; and did then declare, That considering the bloody Designs of the Papists, animated by hopes of a Popish Successor, you conceived, that a Declaration to have frequent Parliaments, could not contribute any thing to your safety; but that it must be the sitting of a Parliament, so as fully to examine the Plot; prosecute the Conspirators; and provide suitable Laws against the feared evils; without which nothing could be effectual.

And 'tis as well known, who at the same time, in 1681, were the Commissioners of the Lieutenancy and Officers of your Militia and Train-bands; that sent Sr. T — B —, Sr. W — P —, Sr. G —, Sr. J —, Sr. J — R —, Sr. W — R —, Sr. J — M —, Sr. B — N — and Sr. J — B —; with a fawning Address to Hampton Court, which told the King, That they were infinitely satisfied with his most gracious and firm Resolution to preserve the Church of England; sufficiently made known by his most gracious Declaration (about the breaking of the Oxford Parliament) they thereby gave him humble and hearty thanks for it; and closed, with a promise of their Lives and Fortunes, in Defiance of you who differed from them in opinion about that gracious Declaration; and therefore, they were told by the Lord Chancellor, that it was a Dutiful, Loyal, and Seasonable Demonstration of their Duty and Loyalty.

It may be also necessary, upon Such an occasion as this, to remind you who were officiously subservient, to the Popish Designs

signs of dividing *Protestants*: by rigorous execution of the *Penal Laws* against *Dissenters*; in meer opposition and spite to the Votes of the House of Commons; Sr. G ——— W ———, Sir J ———, Sr. F ———, Sr. R ———, Sr. J ———, and Sr. T ——— B ———, with others; made it a practice, to grant five or six Warrants a piece upon a week day, (to Hilton, a Villain who had been guilty of Forgery and coining; and to Shad, a professed Papist: who had been burnt in the hand at New-gate for Robbery) to break up imaginary Meetings upon the Lords day following; and there wanted not those amongst you, who at that time countenanced and abetted these Varlets, to sue Sr. Robert Clayton, for discountenancing their villainous undertaking.

Gentlemen! 'Tis true, when *Papery* was upon the Throne; and your City was disfranchised; Sr. J ——— M ———, Sr. W ——— P ———, Sr. S ——— D ———, and Sr. P ——— R ———, sat in Parliament, as your Representatives; but, when your Charters were restored, and the generous and happy undertaking of the Prince of Orange, our now gracious Sovereign, gave you new life; you very prudently and happily fixt upon as many of those, whom you had with good success trusted in three or four Parliaments, as were then in being: and those worthy and well meriting Citizens, Sr. Patient Ward, and Sr. William Ashurst (who had upon several occasions signalized themselves in your service, and particularly in the brave defence of your Charters) were brought by your Suffrages, to supply the Vacancies, made by the death of the never to be forgotten Patriots, Sr. Thomas Player and Alderman Love.

Be pleased to reflect upon the Inclinations and Votes of the last Parliament, were any of your Members found in the Number of the Hundred and Fifty one; who opposed the advancing our present Sovereign to the Throne. Were any of them amongst those, who obstructed a necessary execution of Justice, upon notorious Traytors. Did they oppose the King and Kingdoms true interest, in retaining the Sacramental Test, to the depriving the King of the aid of a very great and useful part of his People, in this critical and dangerous Season. Take your Measures from hence, and by that which is your true, and just Interest, and you need not be divided, or distracted in your choice.

But it is maliciously whispered and objected, that some of those Gentlemen have Places of great Profit; and therefore must not be trusted; Why, Gentlemen, doth not your Knowledge and Experience of these Worthy Persons, fully convince you, that they are not Men of such mean Spirits or sordid Passions that

would sell your Interest to advance their own; could they be suspected of such abject tempers, *blessed be God*, we have out-lived the danger of *Pensioners*; for if any body would be so vile as to make a Sale of *England's Liberties*, they will miss their Market at *Whitehall*; the Government, and the Good people of the Nation, (Heaven be praised) being now of one piece, and being so, 'tis the great honour of the *City of London*, that she affords Men of Ability, *Wisdom and Integrity*, deserving and capable of the best places within her Walls. Wherefore I end as I begun, Meddle not with those that are given to Change.

A Letter out of Lancashire to a Friend in London, giving Some account of the Late Tryals there: Together with some Seasonable and Proper Remarks upon it. Recommended to the Wisdom of the Lords and Commons Assembled in Parliament.
Lord's Protest. pag 109.

S I R,

HOW astonishing soever the Report of the Late Tryals in our Country, was with you at *London*, I can assure you the thing it self was no less astonishing here, but must more deeply affect us, according as it was more sensible to us; and when we saw with our eyes, and heard with our ears, the great Scene of Villany, acted by a few Miscreants, which this or any Age hath known, it struck us with greater Horror and Amazement than any Narrative could, or can do, how true or full soever.

I do fully agree with you, That such things as these do highly deserve the Inquiry and Inspection of a *Parliament*, both to drive this Mystery of iniquity to its true Originals, to search into the Springs which influenced such gracious Tools and Instruments, and comforted and supported them in this Infamous and Hellish Design, and also to make such effectual Provision for the future, that Innocent Men may hereafter be secur'd from having their Lives and Estates sworn away by a Pack of Mercenary Villains.

In Answer therefore to yours, and to give them the best satisfaction

action I can, I shall in the first place give you a short Account of the Material Evidences on both sides, and then in the next place, make some proper Reflexions in order to discover the Principals, or who set these Monsters on work, were the Fomentors and Abettors of the Design, and more guilty than the vile Instruments themselves.

But before I enter upon this, I must Acquaint you of one necessary Defect, that what I am going to say unavoidably labours under; I mean there is something I would, but cannot describe, and that is the *Transcendent and Unparallell'd Impudence* of *Ant* and his Partners; I can tell you their Words, and the *Material* parts of their Evidence, but the *Form*, the Audacious Boldness with which they delivered themselves, the *Brow of Brass* that surmounts all the Language I was ever Master of, this therefore you must supply, and conceive as well as you can; and if you have any Conception of Atheism and Blasphemy, if a fear'd Conscience of the Air of Hell, and Obdurateness of Devils, from all together perhaps you may frame some Idea of it. And from this you are to conceive to be as the *Soul* to the *Body* of their Evidence, the whole in the whole, and the whole in every part of it. And if to all and every Word of it, you joyn the highest Impudence to the *Perjury*, it is the least Calculation I am able to give you.

Thus (after the Formalities of the Court were over, as reading the Commission, Calling over the Jury, &c.) on *Thursday* Morning Sir *Giles Eyres* gave the Charge; I shall not give you the whole Speech, as not necessary, or if it were so, not possible; or though it was taken in short-hand, yet Sir *Giles* took care to prevent the spreading, by tearing the Books of all those he employ'd to write, yet what concern'd the immediate Matter, was that after an extolling the Justice of the Court, the Folly of disturbing it, &c. he told them, That 'twas the Treachery of their Ungrateful Countrymen which brought the trouble of a special Commission upon them, that some of the Conspirators were Protestants of the Church of England, as they called themselves; and though Popery and Professancy was like the Image of Nebuchadnezzar, whose feet was Clay and Iron, which would not mix well together, yet that here they should both agree to disturb the Peace, but there might be at least a lengthening our tranquility, and that others (deterred by their Punishment) might hear, and fear, and do no more so wickedly, it was put into the hands of the Jury, to Hear, and to Accuse for these Crimes which would be sworn before them: And Concluded, that they hoped they would so behave themselves that they should not need any

any Commendations from him, but that their own Works should praise them.

In the Afternoon the Grand Jury found Four Bills of Indictment, One against Sir Rowland Stanley, Sir Tho. Clifton, Mr. Dickenson, Mr. Langton, and Mr. Blundel, and the other Three against the Lord Molineaux, Sir William Gerard, and Mr. Walmisly, severally, upon Oath they were all Arraign'd, Sir Will. Gerard with great importunity begg'd Time till Saturday for his Tryal, but was denyed, and Ordered to prepare for his Tryal the next Morning by Nine: A Proposal was then made to the said Gentlemen, Whether they would be Tryed severally, or joyntly, and one of them Challenge for all, and they desired Time till next Morning to give their Answers, and a Copy of the Pannel, which was granted, and a Copy delivered them, which contained about an Hundred Names. The next Morning being brought into Court, they agreed to the Proposal, provided the King's Council would shew the Cause of their Challenges at the same time they made them, otherwise they would each of them insist on their Challenges; but that was denyed, and the Court told them, that unless they would without any Condition submit to the Proposal, one of their Tryals should immediately begin. This forced them to give their Consent, and then the Court told them they should be Tryed next Morning, and Ordered them to be taken away. And immediately after they were gone, upon the Motion of Mr. Aaron Smith, the Court Ordered near a Hundred more to be returned upon the Jury, and threatned the Sheriff if he did not do it, and it was done accordingly.

An Order was also given to the Clerk of the Crown, That no Sub Pœnd's should be made for any of the Prisoners, until the Names of the Witnesses were first brought to some of the Judges, or to Mr. Aaron Smith.

On Saturday Morning the Prisoners were brought to the Bar, and the said Gentlemen put upon their Tryal; 120 of the Jury appeared, and the King's Council Challenged every Person who was either a Member of Parliament, Deputy Lieutenant, or Justice of the Peace. The Names of some of them are, Sir Edw. Chisenhall, Mr. Farrington, Mr. Maudesley, Mr. Blackburn, Mr. Molineaux, and in all to the Number of Thirty Eight Men of great Note and Consideration in their Country, and (which makes it more strange) have been active and vigorous for the Interest of the Government in their respective Stations, and more particularly as Commissio-

ners

ers for the raising of Money. The Gentlemen only Challenged Twenty Four.

After the Jury was fixt and Sworn, &c. the Witnesses gave their Evidence: The first for the King was *Lunt*, the Substance of whose Evidence was this, That in *June* or *July* (which he is not certain) 1689. he delivered several Commissions from King *James* to the said Gentlemen, met together at a Grand Consult at my Lord *Molineux's* House at *Croxton*; upon which being ask'd, whether he knew that these Prisoners at the Bar, were the Persons to whom he delivered the Commissions: He swore that he knew them all very distinctly and well, and that these were the very Persons. Sir *W. W.* for more satisfaction to the Court and Jury, bid him point out Sir *R. Stanley*, *Lunt* pointed to Sir *Tho. Clifton*, and said that was Sir *R. Stanley*; upon which there was a great Hum among the Spectators. But to rectifie this, he was ordered to take the Cryers staff and lay it upon the Head of Sir *R. Stanley*; he took the staff, and (though prompted by his Fellows, and what intimation was possible from the Judge) yet he laid it on the Head of Sir *T. Clifton*, and with unparalleled impudence, said he was Sir *R. Stanley*. However Sir *George Eyres* excused this, and said, *There was no great matter in that mistake, for that those Gentlemen were together at Croxton, and were together at the Bar, and the mistake of one for another, was no great matter*: So on he went, and swore he delivered Commissions to those Gentlemen, to be Collonels, Captains, Lieutenants respectively, that they receiv'd these Commissions with joy, and kiss'd them, &c. and each gave him 5 *l.* that they advis'd with him what Method to take to Raise the Men, and at last concluded to send him to *London*, to Lift what *Irish* and others he could; and accordingly he went and Lifted 60. and bought Arms to the Value of 50 *l.* being supplied with Money by Mr. *Whitplace*, by Order of the Prisoners, and who had direction from them to let him have what Money he had occasion for; that upon his return these Gentlemen thanked him, and afterwards sent him to *St. Germans* to acquaint *K. James* and the Lord *Melfort* with the forwardness of Affairs in *England*; that *K. J.* dispatch'd him back again to acquaint his Friends how soon he would be with them; that upon his return to the Gentlemen, each made answer that they wished for that hour, seeing all of them had compleated their designs.

The next Witness was *Womble*, who (being a Carrier) swore that at several times he carryed down Arms to these Gentlemen, that he came to know them to be Arms, for that a Black Mare of his going to drink, fell into the Water, so that he ventured to

open

open the Box to see what damage the Goods had, and perceived them to be *Arms*; that being found a *Truſty Man*, he was often employed afterwards on the ſame occaſion, that ſome of the Boxes were directed to *Mr. Dickenson*, others to others, and that he ſaw them take their Proportions upon the Delivery.

The next was *Wilson*, who ſwore that he was employ'd to wait for the Landing of *Lunt*, and to conduct him where the Gentlemen were, who finding them at *Croxton*, ſaw *Mr. Lunt* deliver the Commiſſions to them, which they joyfully received. That he ſaw ſeveral of the Men liſted by *Lunt*, who quartered up and down, and that he was very well acquainted with thoſe two, who were at *Sir R. Stanley's*; and in ſhort, in all things he corroborates *Lunt's* Teſtimony.

The next was *Breuerton*, who ſwore, that having in *Ireland* ſerv'd *K. James*, he having no further Service for him, he came for *England*, and being well entertained by thoſe Gentlemen received at their hands a Commiſſion from *K. James*; That while *K. James* was at *La Hogue*, he was at *Worrell*, and *Sir R. Stanley* uſed to give him Money, as ſeveral ſums at 3 times, 100 *ſs.* 150 *ſs.* which he looked upon to be given him, that he might be ready when *K. James* landed. And this the Judge (out of pure Charity to the Priſoners no doubt) called *Subſiſtance Money*.

The Evidence for the Priſoners, though not in the ſame Order (which is needleſs) but in Subſtance, is as follows:

One *Parſons* teſtified that *Lunt* promiſed him 150 *l.* if he would ſwear to what he would have him.

Mr. Leigh Banks teſtified, that he was introduc'd into *Lunt's* company by *Mr. Taſſe*, that *Lunt* ſeemed well pleaſed at it, and would needs have him oblig'd to Secrecy. That *Lunt* told him, he might if he would have been in *Dodſworth's* Plot; that he had two, *Wombie* and *Wilson* to back his Evidence, but becauſe they were ignorant Fellows, he would turn them off, if he could but get 2 or 3 Gentlemen (like himſelf) who would better manage his Buſineſs, and bring his Plot to a better Concluſion. He ask'd him, if he could write well, if he could, he ſhould be employ'd in writing Commiſſions; for he could get an Old Commiſſion of *K. James's*, and a Paſs from my Lord *Melfort*, and they might eaſily counterſeit their Hands. He promiſed him great Rewards, and put him in hopes of the Gentlemen's Eſtates. And that if *this took* he would go all over *England*, and impeach diſtinct men in their ſeveral Countries.

Mr.

Mr. Taffe (who brought Mr. Bancks acquainted with Lunt, and was privy to Lunt's Designs) confirm'd in all points Mr. Bancks's Evidence, and added that Lunt complain'd of the blockishness of Womble and Wilfon, and swore they knew no more than what he had prompted them to; and that Lunt gave as a Reason why he went to seize Mr. Leigh of Lime, that he might know him, and his House, when he came to the Tryal.

Mr. Dickenson going to give his Evidence, pass'd by Lunt, and said to him, Dost thou know me? To which Lunt reply'd, God d— thee, I thought thou hadst been an honest Man than to have betrayed me. He testified that by Mr. Taffe's means, getting into Lunt's company, Lunt asked him his Name; who replyed Howard, An honourable Name, said Lunt, it will be for the Merit of the Cause. Then he asked him, What is your Religion? Of the Church of England, said D. That's well, said Lunt, then you must swear you received a Commission from Mr. Leigh of Lime, because he has a Protestant. Then he asked, whether he knew these Gentlemen? Yes, (said he) very well. That's well, said Lunt: I my self have delivered a Commission with my own Hands to one Roger Dickenson (being the Person to whom he spoke under the disguised Name of Howard) do you know him likewise? Yes (saith Mr. D.) I know him extraordinary well. Then, saith Lunt, things will go on finely. What Respected the general Credit of the King's Witnesses, it was proved by many Credible and unexceptionable Witnesses; That Lunt was a Bigamist and a Highway-man. To which the Judge said, That signified little; because these Persons knowing it did not prosecute him. That Womble swore he would have the Blood of Papists; and he got 100l. per Annum by Swearing; That he stole Money at Crasey, when he went thereto search, which Money dropt out of his Boots when the Messenger caused him to be searcht. That Wilfon was a Thief, and stole 4 Cows; and the Record was produc'd in Court of his being burnt in the Hand. That Breverton had often swore that Sir R. Stanley was a sneaking Fellow, because he would give him no Money, but he would be even with him one time or other.

What respected the Time and Circumstances of the Fact charged upon those Gentlemen, it was proved beyond Contradiction.

That Sir R. Stanley was at his own House in Cheshire, and not in Lancashire, all that Year that Lunt swore that he was at Croxton, that in particular for the Months of June and July he was seen in Bed Morning and Evening, proved by his Lady's Woman,

Woman, and his *Valet de Chambre*. That the rest of the Prisoners were actually in Custody in *Manchester* at the same time, and many months after, that *Lunt* swore they were at *Croxton*. That Mr. *Walmsly* was at that time and two Years before and after in *France*.

These Particulars I give you in short, but they were plainly prov'd, and sufficiently convinc'd the Jury, and indeed all who heard the Tryal.

From all together you may please to observe what Infinite Care was taken to destroy these Innocent Gentlemen, and to Ruine their Families for ever. For,

1. Here was as fine and plausible Contrivance as could be fram'd, and one part made to hang to another so artificially, as might make it seem probable to, and take with the Jury. *Lunt* he delivers Commissions from K. *James*; *Wilson* was by and saw the delivery, and knew some of the men rais'd by vertue of them; *Brewerton* received a Commission from them, and *Womble* carry'd the *Armes* in pursuance of the Design. This it must be confest was compleatly laid, and was sufficient to Hang a whole Country.

2. The Judge in his Charge endeavouring to prepossess the Jury, and to perswade them, and to insinuate to them, as if the Fact charged upon the Prisoners, had been Notorious and Self-Evident, as is plainly the design of his Speech, and the meaning of his Words.

3. The adding near a 100 men to the Jury, after the Prisoners had a Copy of it, and after the Court had made a particular agreement with them, to take their Tryals joyntly, and not severally.

4. The King's Council challenging all the Members of *Parliament*, *Justices*, *Deputy-Lieutenants*, and leaving none of the Jury, but men of inferiour Rank, and there was not one Gentleman of the Jury, or one who poll'd as such, which is a plain case that these men were thought too noble to be entrusted with an Affair of this Nature. And if to this I may add,

5. That after all Mr. *A. Smith* said, That if he had been of the Jury, he would certainly have brought them in guilty every man of them. And I suppose he may be believ'd without swearing.

And yet notwithstanding Providence so ordered the Matter, that the Gentlemens Lives were not only sav'd, but that it hath also fastened an indeble stayne of Infamy on the Witnesses, and all their Abettors.

Sir, here you have in short, the Portraicture of this black Villany;

illany; so far, I mean, as appears bare faced: But you conceive (and I think rightly) that there is a great deal more behind the Curtain, some secret and invisible springs which moved the Machine, some who contriv'd the Business, promoted these ungodly Instruments, and taught them their Lesson, and abetted them in the Prosecution and Management: And this brings me to the second thing you seem to require my Sentiments of, *viz.*

What may be offer'd in order to the discovery of the *Principals*, who set them on work, and were privy to the Secret, and accessary to the Guilt: And this you think worthy of the Wisdom of a *Parliament*, and certainly it is so, if any thing be so; for such Practises destroy not only all our *Liberties*, but our *Lives* also at once: and if such Rogues shall be countenanc'd, pension'd, and taught to swear against innocent Men, our *Laws* and *Priviledges* are not our safety, but ruine; give me an Hundred Arbitrary Kings, rather than to lye at the mercy of an Arbitrary Rascal, who will swear himself to the Devil, and any Man out of his Life for a Suit of Fine Cloathes, and Money to spend at a Tavern; and our *Liberties* are fine things indeed, when they are under the Power of such Men who have Conscience enough to swear any thing, and Wit enough to learn the Lesson that is taught them.

And therefore in Answer to this Particular, I shall enquire into these Two Things.

1. Whether it be any means probable that these Men were the Contrivers of this wicked Design; and if not, then,

2. What Marks and Characters may be layd down to assist us in judging of this Matter, and where these are found, it is highly probable, that those are in the bottom, or at least, it is worthy the best inquiry of the *Parliament* whether they be or no.

In order to the First Inquiry, I shall consider the Character of the Persons, and the Nature of the thing.

1. The Character of the Persons, they were these Four, *Lunt, Womble, Wilson, Bruerton*; *Lunt* (the Principal, and on whom the rest depended) was a *Coach-man*, *Womble* a *Carrier*, *Wilson* a *Tipster*, *Bruerton* a *Sadlers Prentice*, and who ran from his Master. And are not these Men rarely qualified to make a Plot, and set it so artificially together? If it be said the subject of their Evidence was Matter of Fact, and so not above their Capacities. Right, and this shews the Cunning of the Contrivance; for it would have been extreamly ridiculous to have brought these men to have given Evidence concerning Mysteries of State, and Councils of Princes: But a *Commission*, and *Arms*, and such things were

were within their Sphere; and a Carrier may be qualified enough to know a Pistol from a Sword; and a Box of Arms (the Box be open) from a Box of Sugar-Plumbs. But this is not the Case: Their Capacities are not question'd, for knowing one thing, or one man from another, (although *Lunt* was a little mistaken in that matter) but for the whole Contrivance, and hope there are more Brains and Politicks that go to the making of a Plot, than to the meer swearing to it, which only requires a hard Forehead, and a little Memory, and no Conscience: The Web was artificially weav'd, and the Design laid well enough, and had certainly carry'd their Point, and Hang'd the Gentlemen had it not been for the Folly of the Instruments, which is one argument more for their incapacity for the Contrivance: For *Lunt* is a Fool as well as a Coach-man, and his being so easily taken and div'd into, his opening the whole matter to Mr. *Banck* and Mr. *Dikenson*, whom he had never seen before; as it was the Providential means to discover the Villany, so it apparently shewed the Contrivance could be none of his. The Inquiry therefore turns upon this Point, here is a plain and undoubted Contrivance apparent to all Men, and granted by the Court it felt very artificially and closely put together, the Evidence exactly following according to the Form of Law, &c. And if any man in his Wit can think that such Men as these were the Principal Authors he may with as much reason conclude that Coachmen and Tapsters are qualified to make Secretaries of State, Lord Keepers, and Archbishops.

2. Another thing to be considered, is the Nature of the thing. And here (I think) it will not be inquired, whether any Man will For swear himself, meerly for the sake of Forswearing, and the great delight and satisfaction he takes in Perjury, or murder Men by false Oaths, because he loves to see them Hanging on the Gallows, how wicked so ever men are, This is incompatible with human Nature, and a strain beyond the Devils themselves. And therefore I may take it for granted, that *Lunt* and his Fellows did not conspire to give their Souls to the Devil gratis, or endeavor to sweave half the Gentlemen of a Country out of their Lives, meerly for the pleasure of seeing them hang'd. And therefore whosoever will resolve to think that These are the Principal, or the Only Conspirators, in compliance to the common Reason of Mankind, is bound to assign some Cause that might provoke them to so Flagitious a Villany. And I believe the Wit of Man can find but two, either Revenge, or Reward. As for Revenge, it is a terrible Passion indeed, and prompts men, under the power of it, to do any thing; but then it hath its proper Object, and is never exercised upon

upon men who never injur'd, nor disoblig'd us. And what Injury or Disobligation had the 4 Conspirators receiv'd from these Gentlemen? why truly no more but this, that *Breuerton* had said that one of them was a *sneaking Fellow*, and would give him no Money; which is but a poor Reason for such a terrible Revenge: And yet he swears that he gave him 30 s. at several times. But let that pass, what is that to the Rest of the Gentlemen? did they ever refuse him any Money? or did he ever expect any from them? and yet he Swore against all the Gentlemen, as well as against that *One*. And what is this to the other 3 Conspirators? was ever *Lunt*, or *Womble*, or *Wilson*, disoblig'd by them? why truly not at all, and it plainly appears that *Lunt* (the Principal of them) was so far from being disoblig'd by them, that he had never teen some of them (perhaps any of them) all his Life. So that whatever else may be assigned as the occasion of this *Bloody Conspiracy*, Revenge could be none of it. And then as for *Reward*, This in truth is a Reason probable enough, and in all likelihood the only Reason: But then I doubt this will extend farther, and involve others in the Guilt. Who Reward-ed them? who promis'd and encourag'd them? These are material Questions, and more fit to be spoke to in the next Head, which is,

2. The Laying down some Marks, to direct us to the Discovery of the other Conspirators and Abettors in this Hellish Design.

And the First Inquiry may be this, Who maintained these *mean Fellows* at that *Splended Rate*? *Lunt* the Choachman was habited like a General, nothing finer or richer, with his *Footman* to attend him, and his other Expences were proportionable, and he lived at the rate of a Thousand pound a Year. *Wilson* the Tapster kept his Gelding, and took his Pleasure like a Man of Rank and Estate. *Womble* said he had a 100 l. per Annum for sweating. And the other was maintained with equal Proportions: And what was all this for, think you? Money is not so plentiful at this time of Day, to be squandred away for nothing. And a man may honestly suppose that such profuse Largesses were not exhibited to them out of pure Love to their Persons; something was to be done by them that might answer the Charges, and wherein the *Paymasters* might find their Account. And surely when men Swear honestly and truly, there is no such need of *Greasing* and *Daubing*: But it must be confess'd a *false Oath* wants pampering, and high feeding: and when men are provoked to Forswear themselves, they need supply from time to time to keep up their Spirits against the Reluctancy of their Consciences. This is a dreadful Case in a *Christian Nation*, and

and deserves the utmost Care of the Parliament upon a Double Account.

1st. To Examine thoroughly what becomes of the Money they have given, and to what Uses apply'd, least it be diverted to harbour and cherish Profligate Rogues to cut their own Throats.

2^{dly}. It is the most infamous and shameless Practice, and unsufferable among civiliz'd People, that *Beggars* and *Villains* should be maintain'd like *Lords* and *Gentlemen*, for no other reason or purpose, but to Swear away the Lives of other Men. Who ever Bribes his Witnesses, demonstrates the Injustice of his Cause, and renders their Testimony suspected; and what can be said of this Scandalous Practice to keep a *Fund* for *Perjury* and *Murder*. It is high time for the Parliament to look about them, when these Courses grow every day upon us; the Cases of *Fuller*, *Young* and *Blacket* were enough to open our Eyes, but when the same things are multiply'd upon us, and the same Game played over again by a New-Set of Instruments, we must be more than stupid, if we do not see the design against our Lives and Fortunes. And in truth things are now come to that pass, that there is scarcely a Rogue in the three Kingdoms, but when he finds Hunger and Want pinches him, but hath his Resolution ready; why forsooth, he will not starve, and then he goes to set up the Trade of Swearing, to supply his Wants and maintain his Vices. And this, it seems, is a sure and easy way, and there is a Stock ready for all Comers; it looks as as if there were a Bank for Swearing, to promote the Trade, for it is all their Cry, *We shall have Money enough*; But surely it becomes the *Wisdom of the Nation* to see from whence, and by whom all these great Sums are supply'd; for this is not only to Licence Perjury, but to purchase it; and it is a certain rule both in Divinity and Law, that he that bribes and supports a false Oath, is not only consenting to it, but more guilty than him that swears it.

2. We must consider the Character of the Persons, but in another Capacity, not as to their despicableness and meanness, but with respect to their Morality, and Infamy; *Wilson* was a common Thief, and Burnt in the Hand in that very Country where he gave his Evidence; and *Lunt* a High-way-man, and hath two Wives. Sufficient to destroy their Credit with all wise and just men: and whoever makes use of their Evidence, will, by all indifferent men, be suppos'd to have the same design with them. Now although a Man may be a very great Villain, yet if at the same time his Crimes are secret, another Man may

credit

credit him himself, and proceed upon his Testimony, and yet be very innocent; but this I doubt, can never be said of a Person, who sufficiently *knows* his Villainy, and yet makes use of him, to the destruction of others. And this is apparently the Case, *Lunt's* wickedness was open and notorious, he was indicted upon the Statute for having two Wives, and the Bill was found; and Mr. *Aaron Smith*, one of the Prosecutors, becomes his Bail, though the Case was *Felony*; and not only so, but when *Lunt* came to be tried, he and his Bail both forfeited their Renognifances, which is a demonstrative proof, not only that *Lunt's* Infamy was known to the Prosecutors, but that for his sake they eluded the Law, and skreen'd him from the sentence of it. And this I think, will deserve the Inquiry of a Parliament, upon more accounts than one; for 'tis certainly a terrible Case, unheard of by *English men*, not only that *Criminals*, under the immediate prosecution of the Law, should be made Evidences against mens Lives, but that the Course of Justice should be obstructed in favour of a job of *Perjury*, they were to undertake.

To which may be added,

3. The mighty hunt that was made about the Town by Officers and Messengers, after Men who said any thing tending to the reproach of the *King's Witnesses*, together with Warrants of a strange and illegal nature, to seize and take up Men and their Papers for *Conspiring and endeavouring to suborn* (as the Warrants word it) Witnesses against the Lives and Credit of several Witnesses for their Majesties, against Persons charg'd with High Treason; Upon which some very worthy and considerable Men were taken up, and kept close Prisoners for some time, and are yet under Bail, contrary to all Law and Justice: But the plain design of this was, not to terrifie men from speaking what all the Town knew, but by taking up as many as they could meet with, to prevent any Persons going to tell the Truth at the Tryal, and confront their Evidence. And any man, who considers these Methods, can never doubt, but that, if they had but known the *Gentlemen's Witnesses*, they would have taken care to have stopt their Mouths, and by such *Arbitrary* Warrants, have cooped them up close Prisoners, from whence they should never have been freed, till the *Gentlemen* had been hang'd. And it is very observable that these Warrants, and Spies, were sent abroad in every Corner, but a little before the *Gentlemen* were carry'd down to their Tryal. But Providence so ordered it, that those whom they Principally aimed at, escaped their Fingers, and the *Gentlemen*, notwithstanding all their foul indeavours to the con-

trary,

trary, had honest men enough to detect the Falshood of the pack'd Evidence, and to save their Lives. Now put these two together, the Direct and Actual obstruction of Justice in the case of *Lunt*, and the great endeavours to do so in the Case of these Gentlemen, by imprisoning their Witnesses, and that too by illegal and arbitrary methods, and I will leave it with any man, whether those Persons, by whose Influence all this was done, can be excused from being *Encouragers* and *Abettors* of this Bloody Design, if not the Principal Contrivers and Promoters of it. He that *streyns* the Law in point of Life, is a down-right *Murderer*, and here we have no less than a threefold violation of the Law, and all to take away the Lives of Innocent Men: and let those Persons, who have been concerned in such Practices, discharge themselves from the Imputation, if they can.

4. The Great Promises that were made in this particular, deserve Inquiry, Mr. *Parson's* testifies that *Lunt* promis'd him 150 *l.* to Swear, and Mr. *Bancks* that he promis'd him great Rewards, putting him in hopes of the Gentlemens Estates. Now upon this, this Question arises, Who could make good these Promises? who could give such great Rewards? In short, who could give the Gentlemens Estates to these Varlets, had they been convicted by their Perjury? But it is more fit for me to leave these Questions to the Inquiry of a Parliament, only I shall leave these Remarks to their serious Consideration.

1. That whosoever Rewards Perjury and Murder, is guilty of them.

2. That those Persons, who promised these Gentlemens Estates to these Miscreants, must be satisfied themselves of the Perjury, because the Reward was otherwise so vastly disproportionate to the undertaking.

3. That if such Temptations shall be laid in the way of Rogues to promise Gentlemens Estates to those who will Swear them out of their Lives: If the Lords and Commons do not take care to obviate it, there is never a Lord nor Commoner can be safe, so long as there is an Estate, and a Rogue in England.

5. It deserves to be considered, That the Warrants for the Execution of these Gentlemen were Sign'd, and there were Directions given, that they should be Executed 3 Days after their Condemnation. From whence these things are obvious. First, That the Projectors thought themselves sure of their Business, and well they might, when they had taken so much care to instruct the Evidence, and to prevent the discovery of their Infamy. Secondly, That the Design was plainly laid for Blood, and which they

they were resolv'd to have, whatever came on it. And therefore the *Gentlemen* were to be dispatched, before any Applications could be made either for Pardon, or for respiting the Sentence : and before the Inconsistency, Contradiction and Falshood of *their* Witnesses Testimony could be known, which even after Sentence, in justice, ought to have preserv'd them from it. But it seems the *Wise Contrivers* thought it was good to be sure, and to prevent all after-claps, they were forthwith to be *Hang'd out of the way* ; which is a manifest evidence of a Deep and Wide confederacy to take away their Lives. For *Thirdly*, it is impossible that any thing of this, (of signing the Warrant for Execution, and Orders to do it so hastily) could be ascrib'd to *Lunt*, and his Accomplices, and consequently must have some other *Authors*, and who these are will be very easy for the Eye of the *Parliament* to discern. To this may be added :

6. That at the same time, there were *blank Warrants* sent down to take up *two hundred* Gentlemen more in the Counties of *Lancaster* and *Chester*, in order to prosecute them for their Lives by the same Methods. And this was to have been put in Execution so soon as the other Gentlemen had been dispatch'd, which makes the *Design* as plain, as the Nose in a Man's Face, and directly points to the Managers and Contrivers : And surely it seems to me as if there was a design to root out all the Gentry of *England*, at least so many of them, who did not stand fair with the Contrivers, or would not comply with whatsoever they should propose to them. As *Lunt* vaunted, that *so soon as he had made an end of this business, he would go all over England on the same Errand*. And this is the plain state of the Case, a Plot was to be had at any Rate, and because they could not find one, they made one themselves, and these Gentlemen were to be *hang'd* in Confirmation of it, and then they thought they had the Kingdom in a string ; and whosoever should obstruct their *Arbitrary* Courses, or not agree to all their Demands, how unreasonable soever, it was but swearing them into the Plot, and there was an end of them. The *Tymeing* of this highly deserves Consideration, it was just before the present Session of *Parliament*, and in all probability, the *Money Bill* will not pass so easily, at least in such proportions, as some Men may require. Such prodigious Sums having been given already, and the Kingdom exhausted to the very Bones ; but here was a Method to ram it down their Throats, the *Destroying Evidences* hang over their heads, and there was no *Medium*, either *Give* or be *Hang'd*. And are we not in a comfortable Condition, and have great reason to Triumph in our Freedom, when a few *perjur'd Villains* were set up and maintain'd to over-awe

the Parliament, and to bring the Gentry to their Bow, or else to depopulate the Nation. It is a fine Device, to hang up some to terrifie others, to set up the *Devil of Evidences*, to scare People out of their *Liberties*: If this be not *Slavery* with a Vengeance, no man living knows what it is.

These are Considerations antecedent to the Tryal, but there are some which are subsequent to it, and deserve to be consider'd, for the further unmasking this *Bloody Villany*: They are these Two for the present, and no doubt but Time will discover more.

1. It deserves to be Considered, who they are, that are extremely *displeas'd* and *dissatisfied* that the Tryal did not take effect, who were very *angry* and *peevish* that the Gentlemen are not hang'd; some there are who hang down their heads, and grief pinches them, others fume and fret, and are very wrathful: But these carry their *Marks* in their *Foreheads*, and any Man may know them. And it is certain, whoever wishes the Design had succeeded, or is sorry and uneasie that it did not, is guilty of the *Perjury* and *Murder*, if not of the *fore-laid Contrivance*: But which I chiefly aim at, is the *exceeding Disturbance*, that the Miscarriage of this Design, creates to some sort of Persons, which plainly indicates, that they themselves are in the bottom, they find their Measures broken, their Plots defeated, and turn'd upon them; and this is that which strikes to the quick, and grates their Heart strings. By their *Pulses* you may discern the Motion of their *Hearts*. Would not you think it a very harmless, at least, if not a very pious thing, for Men to rejoyce, when they see innocent Men escape a Bloody Contrivance laid for their Lives? And yet at *Manchester*, when the Country gave Testimonies of their Joy, for the Acquital of these Gentlemen, with what Horror and Confusion did it strike the Prosecutors? whereas every Man is equally concern'd, and ought to be equally pleas'd for the clearing of wrong'd Innocence. In like manner, at *Chester*, when the Prisoners were brought to the Bar, the Gentlemen of the Country in great Numbers accompanied them, to testify their respects to them, and the rather, by reason of the great Injury had been done them, Mr. Justice Eyres was exceedingly displeas'd at it, and in great passion said, *He did not know who were the Prisoners from the other*. And when the Gentlemen were discharged by Proclamation, there was a great shout among all sorts of Persons, *Ladies, Gentlemen, the Clergy* and *Commonalty*: This it seems, was a mighty Provocation to Mr. Justice, and he could no longer bear it, but told them, *That this should be neither for the Advantage of the Gentlemen, nor those that attended them*; and in particular said to the Clergy, *that they*

deserv'd

deserv'd to have their Gowns pull'd over their ears. Bless us! What is the Matter? Cannot Men rejoyce to see innocent Men pull'd out of the Paws of Harpies, but they must be menaced with Vengeance, and have their Gowns pull'd over their ears? it is well for the Gentlemen that they had no Gowns, or else they might have been threatned to have been pull'd also; but though they had no Gowns, there was something else they had to be strip'd of; and this is the next Consideration.

2. A Reform of the *Justices of Peace* and of the *Militia* in these 2 Countries is now on foot, and under Consideration, and most, if not all the *Justices*, and *Deputy Lieutenants*, are to be turned out; it seems these Gentlemen had no more wit, but they must discountenance *Perjury*, and rejoyce at the happy delivery of their Friends, Neighbours and Relations, and now they must pay for it; for it is plain they are *disaffected*. By whose power and influence these things are done, I shall leave to the Wisdom and Inquiry of the Parliament, only I humbly crave leave to add this one Remark, That from hence it appears that some Persons are passionately disturb'd at the Miscarriage of these Goodly Evidences, that for the *Disappointment*, they are resolv'd to be Revenged on the *Two whole Counties*.

Now, Sir, let us put all these together, and Consider, if you please, the *Incapacity* of these mean Fellons to make, or manage this Plot, the *Inconceiveableness* of mens Perjuring themselves, and Murdering Men, for the sake of these Villanies. The maintaining these Wretches at a most Profuse and Extravagant Rate, the *Notoriety* of their former Villanies; the *Illegal Courses* to clap up the Witnesses which should confront them; the mighty and prodigious Promises to encourage them to go through with it; the *Signing of Warrants* for hasty Hanging them before they were convicted, or tryed; the *Blank Warrants* for taking up a great Number more, so soon as they had been executed; the *Mighty Passion and Disturbance* for the Disappointment; the turning out of the Officers of *Justice and the Militia* in both the Counties; the Plain Effect of a very keen *Resentment*. I say put all these together, and then answer your self, whether these four Rascals are the Only or the Principal Contrivers of this Cursed Design; or whether they were only Tools and Instruments to put in Execution what others had contriv'd for them, and put them to act.

Thus, Sir, you have the Case plainly before you, there is only one part yet remaining, and that is, *The effectual Provision for the security of innocent Men hereafter*: This I shall say little to, because the *Wisdom* of the Parliament will soon contrive it, when they take it in hand, and espouse it heartily, *A strict Inquiry into this*

this Plot, and Exemplary Punishment of all who are found Guilty, is one good Means; and a Bill for Regulating Tryals in Cases of High Treason, is another, wherein it may be provided, That the Prisoner shall have Council, a Copy of the Indictment, and of the Jury, sufficient Time for his Defence, and the Summoning his Witnesses; and wherein it may be made highly Penal, to Obstruct, or Imprison any of the Prisoners Witnesses; That in it likewise some Care may be taken of preventing this Profuse Liberality to indigent Men, which is a Temptation to the Poor, and a Bait for Rogues: But I shall not supersede the Debates in PARLIAMENT, nor prescribe to their Wisdoms; but I hope I may presume to leave with them this single Consideration, That these Practices are not only to the great Dishonour of GOD, the Scandal of Christian Religion, the Ruine of the Nation, and all the Civil Liberties, but that they themselves (not as Trustees and Representatives, but) in their proper persons, are more immediately concern'd to guard, and find out some Defence against them; and they cannot but see themselves directly liable, as their Persons and Fortunes are higher and greater: Estates are Criminals more than Men. And though Young and Blackett are gone, though Lunt, Womble, &c. are defeated, yet there are Rogues enough in England to be had for Money.

I am, SIR,

Your Humble Servant.

TAFFE'S NARRATIVE.

SOME time after Christmas Anno Dom. 1693. John Lunt came to my House, and told me he had a discovery of great Moment, to make to the Government, but was unwilling to communicate it to any body, except some Man that had Interest at Court. Thereupon I acquainted the Earl of Bellamont with it, who desired me to get Lunt to set down in writing, what he had to say, and his Lordship would introduce him to the Secretary of State. Whereupon I went and told Lunt, what my Lord said; the next day Lunt brought me a Paper, importing, to the best of my memory, that Lunt with one Bromfield were sent from France, to murder King William, and that several were to join them in the Attempt. This Paper I carried to the Earl

Earl of Bellamont, who acquainted Secretary Trenchard with it; upon which the Secretary desired to speak with Lunt, who accordingly waited on him several times: I know not whether or no the Secretary believed him, but I remember he told he was a *Jacobite*, and took no notice of him, giving him but five Guineas. Then Lunt desired me to bring him acquainted with Capt. Baker, for that he knew he had given a great deal of Money to superstitious uses; whereupon I brought Lunt to Capt. Baker's Office, who entertain'd him as a Witness, and gave him a Sum of Money in hand, besides 20 s. per Week; after which Lunt and Baker were always together till the Witnesses were examined, who pretended to know any thing of the forfeited Estates. After which Capt. Baker, having nothing to do, resolv'd on a Project, which was, to sue all the *Englissmen* in France to Outlawries; in order to which he desired Lunt to give him the Names of those above mentioned. Lunt named Mr. *Walmsly*, and promised to prove him there: Baker, who was glad to hear of so good an Estate, bargained with him for a third part of it, to be divided between Aaron Smith, Capt. Baker, and the rest of the Witnesses; after which Capt. Baker came to me, and told me the discourse he had with Aaron Smith, and desired me to speak to my Lord Portland to beg the Estate, I told him my Lord Portland was a Man of more Honour. And besides I told him my Lord Portland was going to Flanders, and that Mr. *Walmsly* was upon his Journey into England, with their Majesties Pass. This Answer somewhat surpris'd Capt. Baker, who then bethought himself of another design, which was to go on with Lunt in his first Discovery of Killing King William. In all their Projects he found this to be very necessary in getting good Estates for himself. Capt. Baker gave Lunt Money, whom he called fellow-sufferer. Mr. Smith and Capt. Baker both gave Lunt Money to help in his Discovery; they sum'd up his Evidence, and took his Narrative in Writing, which they seem'd glad to receive; yet they perceived it wanted Aaron Smith's Correction, to make it every way to the purpose. When Lunt's Narrative was mended, they shew'd it to me, asking my opinion of it, which I gave them freely, thinking what Lunt said was true, till he gave me a Catalogue of such Honourable Persons as the then Marquis of Carmarthen, the Duke of Devonshire, the Marquis of Halifax, the Earl of Nottingham, Sir John Manners, Sir Willoughby Aston, Sir Dutton Colt, Mr. Norris of Spike, Mr. Rigby, &c. I thought their Plot a Fiction, for I could not imagine those men should Plot against the life of the King, that had hazarded their own to bring him to the Throne; yet

yet I dared not to speak my sentiments of the Plot, for fear of being impeached of High-Treason: But I told them that tho' it might be true, yet it would not be believed against them, they were so much in the Favour and Interest of the Government. But I told them it would be the best way to bring the Reputed *Papists* and *Jacobites* to their Tryals, and then they might discover their Accomplices. This Advice pleased *Lunt* so well, that he was persuaded to blot out these and many more out of his Discovery, and compleat his Narrative with others. When *Lunt's* Narrative was corrected they gave it to Mr. *Ellis* to Copy fair, (who was Capt. *Baker's* Clerk) for which service the said *Ellis* was to have ten shillings a week.

After this *Lunt* and *Baker* said they would not acquaint any with it but the Lord Keeper and the two Secretaries of State. I asked him why he would not acquaint the whole Council with it. They (reply'd *Lunt*) are many of them guilty themselves, and therefore would oppose it. I thought this then good reason for not acquainting the Council with it. But since I find the Reason truly to be, that it was easier to impose upon three Persons than the whole Council. After this Capt. *Baker* writes to me in *Lancashire* to bring up one *Womball* a Broken Carrier, who pretended to have discovered some Arms sent by him into *Lancashire*. On the Road I asked him what he knew of the Plot; he said no more than that once he brought a Box of Swords into *Lancashire*; he then also deny'd that he knew *Lunt*, yet afterwards when he came to Capt. *Baker's* Office, he knew both *Lunt* and the Plot as well as any man; so soon did Money refresh his Memory: upon the Receiving of which he grew so proud and domineering, that he threatned to bring every one into the Plot, that displeased him, or asked him for the Money that he owed them.

After this, *Lunt* entertained one *Wilson*, a fellow that helped to make Beds for the Guests, at the *Bear and Ragged Staff* in *Smithfield*. I asked *Lunt* who that Gentleman was, who said, that he was a Gentleman come from *Preston* in *Lancashire*, and that Mr. *Smith* had given him ten pounds to defray his charges to *London*. Seeing them carry all before them, I began to fear the event; for they did every Night at the Tavern talk openly of perpetrating their villainous designs, instructing one another in the Mystery of Iniquity, threatning to accuse me if I should discover them.

After this, all things being ready for their designs, they went into the Country with Messengers, Warrants, and what else were necessary, for seizing Men, Arms, and Horses: Then Capt.

Baker

Baker told me, if I would oblige him with my company into *Lancashire* he would bear my charges, for he said he did not like *Lunt's* or *Wilson's* Company. He disliking their Company, I was bold to say, I thought they did not in every thing speak Truth: *Baker* said whether they did or not, I am sure to make out a heinous Plot; for besides these Fellows, viz. *Lunt* and *Wilson*, *Aaron Smith* has more Witnesses in Store, if they could find out store of Arms and Horses in the Papist's hands, to prove a Plot, which shall go through *England*, till it make a through Reformation, and down Bishops and Cathedral Laws: For, says *Baker*, we can never be happy whilst there is a Bishop or Minister of the Church of *England* left. And I, though unwillingly, did consent to go with him for divers Reasons. First, Because I was afraid they would do me some mischief if I refused, for they threatened Death to any that contradicted them. Secondly, I apprehended, if I absolutely should refuse them, they would never trust me any more; and then I should be deprived of an opportunity of discovering their Plot, and of serving the Government which I was oblig'd to do.

Reader, should I here give you an account of their Impiety upon the Road, and tell you of their Atheism, Blasphemy, and all other sorts of Profaneness, you would not read them without a sigh or Tears: They made it a Capital Crime to say Grace, or go to Church; and though all of them were arrived to an intolerable degree or pitch of Villainy, yet *Baker* did exceed them all, for every where as he went he did exclaim against the Church of *England* Religion, he did frequently say, the time was coming to pull down the Ecclesiastical Laws, and that he thought God had preserved him for that purpose: And *Aaron Smith* wished for old *Oliver* again, saying, the times were never so happy as under him, and that he had not so much animosity against the Papists of the Church of *Rome*, as those of the Church of *England*; for they were for Monarchy and Hierarchy. With these and such like discourses, they entertain'd us on the Road; *Womball* and *Lunt* affirming with bloody Oaths that his Worship was in the Right: And for the Truth of this I appeal to the People of the Inns where we lodged, viz. at the *Bull* in *Manchester*, the *Eagle* and *Child* in *Wiggon*, and the *Golden Lyon* in *Warrington*. When we came into *Lancashire*, and things were in a Readiness for seizing Horses and Arms of the Roman Catholics, *Baker* had pickt up a parcel of the greatest Rascals in that Country, who minding nothing but plundering and rappareeing; wherever they came they used to seize Horses and sell them again to the Owners for five or ten pounds a horse:

Sometimes

Sometimes they brought the Horses to Capt. *Baker*, who kept or returned them as he pleased, always getting something by them; for they were never restored gratis to any, as I could hear.

Seeing *Baker* thus Extravagant, I began to tell him of his Irregular Proceedings, because when he first invited me down he promised to be ruled by me, but he never would.

The Messengers us'd to curse *Taffe*, saying, G—— D—— him, for he persuades the Capt. to go down; which if he does, we shall never have the like opportunity to get Money. I never saw Men so extravagant and resolute to ruine themselves, I pitied the circumstances of the Gentlemen whom their plotting designed to ruine, whose Destruction I was willing to prevent; which obliged me to reveal this Mystery of Iniquity to some body that might enable me to do it. I gave Hints of this to the Parson of *New-Town*, but he seeing me in such Company was afraid to trust me, which was a great affliction to me. I resolved in my mind to prevent the ruin of thole Innocent Gentlemen by any means, but the Power and Authority of *Aaron Smith* deterred me. He did so threaten and discourage all them that durst contradict him, he was so careful of his Plot that it should succeed, that he came every day to Capt. *Baker's* Office, to instruct and prepare the Witnesses against the Tryals, and so confidently he seem'd to effect what he had contrived, that sometimes he would audaciously affirm, that in less than half a year he would have the lives of five hundred Persons. In short, I knew not what to resolve on, till the Quarrels of *Wilson* and *Lunt* gave me opportunity of detecting their Plot; and the best way I could think of, was to find out *Wilson*, which when I had done, I invited him to dinner, that I might learn the matter between *Lunt* and him: Whereupon *Wilson* told me *Lunt* had cheated him of Money given him to bear his charges out of *Lancashire*, whence he made the Secretary believe he came (tho' he did dwell in *Smithfield*) *Wilson* told me the sum was ten pounds, which *Lunt* and *Baker* divided between them, except fifty shillings which they gave him; then I asked *Wilson* what he would do if he disoblighd *Lunt*, who taught him his Lesson: Now, said he, I am acquainted with *Aaron Smith* and Capt. *Baker*, who are better able to teach me than *Lunt*, and they look upon me to be the soberer Man; and when we have hanged up the Gentlemen in Custody, we will turn out *Lunt*, and employ one *Dandy* and *Pierston*, who are kept by *Baker* at *Coventry* on purpose to swear, who, with *Womball* and my self, will pass for Evidences over the whole Kingdom.

The day following I went to *Lunt*, to know what the matter was

was between him and *Wilson*, *Lunt* answer'd that *Wombal* and *Wilson* were two ungrateful Villains, because they expected as much as he, tho' he was the principal Evidence. Then *Lunt* wished he had to do with some Gentleman, told me if I would join with him, he would introduce me to the Secretary of State, and cast off *Wombal* and *Wilson*. I answered I would not my self, but promised to make it my business to find out some Gentleman that would swear with him. Then *Lunt* told me, that Mr. *Smith* told him, unless he produc'd some Commissions, he could not do his business so well: Whereupon *Lunt* said to me, Mr. *Taffe*, if you will write the Commissions, I will reward you largely. I told him I did not write a good hand, but I would get some Writing-Master to do it for him. Then *Lunt* told me he would drop them in some House; I asked him in what House; he said in *Whitfield's* the Cardmaker's, or in some of the Gentlemens Houses in Custody; for, said he, Mr. *Smith* bid me drop them in whose House I pleased, and he would procure a Warrant to search the House, and send Messengers to find them, and we will swear they were the very Commissions from King *James*. After that, *Lunt* and I parted, and then I went to some of my acquaintance, to intreat them to assist me in the Discovery of this piece of Roguery; but none of them would be concerned in it, least *Lunt* and *Wilson* should swear something against them. I my self was also apprehensive, if that I went to the Secretary, that he would not believe me, but look upon me to be a Man not well affected to the Government: Whereupon I thought it the best way to find out some Persons that would pretend to swear with *Lunt*, and Counterfeit Commissions, and go to the Government, and acquaint them how they were imposed upon by a parcel of Villains. I was very uneasy to think that so many innocent Gentlemen should suffer by the Evidence of those I knew to be perjur'd; I thereupon began to fear for my self and for the Gentlemen: for the Gentlemen, that if I did not discover the Designs of these Plotters, that not only the Gentlemen in Custody would fall a Sacrifice to the Interest, Pride and Malice of these Conspirators, but most of the Prime Nobility and Gentry would follow them; for my self, I was resolved to do it, rather than the Blood of so many innocent Gentlemen should be required at my hands; which I was afraid it would, if any self-regard should make me so dastardly and timorous as not to use my utmost endeavours to clear them. Whereupon I berthought me by what means I might conveniently do it; and amongst all that did occur none seem'd more probable, than to apply my self to some of the Prisoners Friends, that were either re-
puted

puted *Papists* or *Jacobites*; yet finding the Day of Tryal approaching, and *Lunt* impatient to drop Commissions, and *Aaron Smith* impatient to hasten the work, I resolved, rather than fail, to send to some of the Ladies whose Husbands were in Custody. I understood the thing, and went to Madam *Dickenson*, who after several meetings prevailed with Mr. *Leigh Bancks* to give me a meeting. As soon as Mr. *Bancks* came to me, I told him that if he and some others would go to *Lunt*, and tell him they wanted Money, and desire him to put them in a way to get some, they would be well receiv'd. Mr. *Bancks* answer'd he would consider of it, and desir'd another meeting, and said he would have some body with him. I met him in *Grays-Inn-Lane*, and two others that liked the Project well, and promised to meet *Lunt* at four in the Afternoon.

In the mean time I acquainted *Lunt* that I had gotten some Gentlemen to swear with him; upon which *Lunt* swore a bloody Oath he would turn off *Womball* and *Wilson*, and make them return to their old Employes.

After this, *Lunt* and I went to the place appointed, which was the Ship Ale-House in *Butcher-Row* without *Temple-Bar*, where the Gentlemen came and sent for me, and told me they would willingly defer this till the next day; but I, being unwilling they should, told them *Lunt* would suspect something if they delayed it, and used such Arguments as Mr. *Bancks* was resolved to speak with *Lunt*, and accordingly met him. As soon as Mr. *Bancks* was seen by *Lunt*, *Lunt* complimented him, and told him he was happy to be concern'd with Gentlemen, for that he had to do with a parcel of Mechannicks, who knew nothing but what he told them, and said he would put them off, if Mr. *Bancks* would join with him: Mr. *Bancks* seemed very modest, and said he would be glad to get Money, but at that time was nor prepared to undertake a business of that Consequence, having been in Company all that Day; tho he then desired Mr. *Lunt* to give him some insight into the business; upon which *Lunt* drew out his Narrative; it was written for us in good form by Captain *Baker's* Clerk; *Lunt* gave it us to Read, and Mr. *Bancks* said he knew nothing of the matter, and asked *Lunt* what he must do? Sir, said *Lunt*, you must swear all this is true. I am, adding he, upon Counterfeiting Commissions, and you must have a Commission from one of the Gentlemen in Custody: But Mr. *Bancks*, can you Write a good hand; for if you can, says *Lunt*, you must Write it your self, for we must not trust too many in our affairs. I do not Write well, says Mr. *Bancks*; but how can you Counterfeit King *James's* hand? I have, says

Lunt,

Lunt, an old Commission in my Pocket, and have likewise my Lord *Melford's* hand, and we will have all the Commissions signed King *James*, and drop them in some Houses, that when *Mr. Smith* sends to search the Houses, they may find the Commissions; which we will swear were the same King *James* sent by me to the Gentlemen in Custody, and several others; for, says he, I intend to go all over *England* with my Plot, if you will join heartily with me, and bring some Friends with you that will swear the same things with us. Then *Lunt* told *Mr. Bancks* he was to have been in *Dodsworth's* Plot, but he refused it, because he said he was to have a Plot of his own. *Mr. Bancks* reply'd, that he had a Friend that understood those things better than himself, and desired *Lunt* to meet him the next day, to which *Lunt* consented, so we parted.

Next day *Mr. Bancks* met some Lawyers, who advised him, unknown to me, to acquaint my Lord Chief Justice with what he had done: Upon which I found *Mr. Bancks* somewhat strange to me, and not assigning any Reason for so doing, I went to *Madam Dickenson*, to find out some body else to go with me to *Lunt*, according to *Mr. Bancks's* promise, or else the business would be ruined. Whilst *Madam Dickenson* and I were talking, in came *Roger Dickenson*, whose Sister had no sooner propos'd our desires to him, but he offered himself freely, and went with me to a little Coffee-House in *Fetter-Lane*, next the *Globe* Tavern, where I left him, and went to see for *Lunt*, who was not at his Lodging, but as soon as he came, ran to us where we were, and made his excuse for his absence, that *Mr. Aaron Smith* sent him to *John Wilson* the Prisoner with two Shirts, for that he intended to make him a Witness. In short, *Dickenson* and *Lunt* fell on the business; *Lunt* asked *Dickenson* his Name? he answered *Howard*. Then *Lunt* asked what Religion he was of? *Dickenson* answered of the Church of *England*. Then *Lunt* swore a great Oath, you shall have your Commission from *Mr. Leigh* of *Lime*, for he is of that Religion. Then *Dickenson* began to swear as fast as *Lunt*, that he would do any thing to get money, but he was not acquainted with any of the Gentlemen in Custody. But that you must know, reply'd *Lunt*, and I will shew you them, and give you in writing what you shall swear. Then *Dickenson* said he knew *Roger Dickenson*, and *Lunt* said, he knew *Roger Dickenson*, and all the rest of the *Dickensons*, and would in a short time take them all up. *Capt. Howard* reply'd, he would help to swear against *Roger Dickenson* in particular, but was unwilling to swear without a good Reward. *Lunt* said, we shall have a third part of the Estates of the Gentlemen

men in Custody, and then, said *Lunt*, we will turn off *Womball* and *Wilson*, and deal with none but you and your Friends and we will go all over *England*, and hang whom we please and if they will not give us the whole sum allow'd, we will said he, go to the Secretary of State our selves, and have the whole credit of the business. We will, said he, counterfeit Commissions, and you must have one from *Mr. Leigh of Lime*, and you must swear you had it from his own hands; in the mean time you must swear to be true to me: Upon this they desired me to go out of the Room, and after they had been together a while, they called me back again, and told me they had appointed to meet again at four in the Afternoon, and then to go over the Water, or into the *Savoy*? and get the Commissions counterfeited; upon which we parted, and *Lunt* and I, according to our appointment, came to the above named Coffee-house; where we were no sooner entred, but in comes one of *Lunt's* Wives, and takes him Prisoner; upon which *Lunt* mistrusts *Capt. Howard*, and I my self knew not what to think of it, till I saw *Mr. Banks* and *Mr. Dickenson* come in, who hearing there was a Constable, began to mistrust there was a trick put upon them; they therefore got away, and I followed them into the Street, and told them what the matter was, at which they seem'd to be concern'd; after which I went to *Lunt* again, and staid with him till *Aaron Smith* came, who hector'd *Lunt's* Wife at a strange Rate, threatning what he would do to her, for taking up the King's Evidence. Then he called for a Coach, and said he would give Bail for *Lunt's* appearance, and desired me to go with him in the Coach. As we were going, he swore he knew not what to do in relation to *Lunt*, and asked my advice. I answer'd, that *Lunt* was an ill Man, and I was sure had two Wives at least; upon which he fell into such a Passion, that I thought he would have flung himself headlong out of the Coach into the Street. When his passion was over, he told me I must not go with him before my Lord Mayor, least his Lordship should examine me, and I should speak Truth, for, said *Mr. Smith*, I intend to make my Lord Mayor believe *Lunt* is an honest Man, and that it is but a trick of the Papists to take him up for being a King's Evidence. He then desired me to go home, I willingly did, for I began to be weary of his Company. In the Evening I call'd at *Capt. Baker's* Office, where I found *Lunt* telling the days Passages, little suspecting the design we had to discover his Roguery: Then he desired me to go to *Capt. Howard*, and tell him he would meet him next morning; but *Lunt* was ignorant of what we had done: Yet *Mr. Aaron Smith*, at my

Lord Chief Justices, or somewhere else, found out what we were a doing, who accordingly acquainted Capt. *Baker* with it, who kept *Lunt* out of the way till the Tryal. In the mean time they threatned me, and *Baker* sent for me the Night before he went out of Town, and asked me who that Captain *Howard* was. I said he was *Lunt*'s Acquaintance, and desired him to ask *Lunt*, whereupon he perceived I banter'd him: He then menac'd me, saying the Law would be very severe upon those that endeavour'd to put tricks upon the King's Evidence. I answered, I had not offended the Law, and therefore the Law could not meddle with me. I offered to go with him to the Secretary; upon this he told me the Secretary would commit me, I then retired. The next morning they went out of Town, taking my Bridle and Saddle with them, saying nothing to me; whereupon I took Post, and went to *Manchester*, where I was told that *Lunt* and the Messengers had reported that they left me in *Newgate*, for endeavouring to corrupt the King's Evidence.

My intention is here to give no account of the Tryals, of which the Reader may be better informed by many able Lawyers that were present; only one thing I must not forget to acquaint the World with, *viz.* That as soon as Mr. *Adon Smith* had heard the Names of the Gentlemens Witnesses, he fell sick, or feigned himself so, knowing very well, that when I was called, I could discover the Mystery of his Plot. I call it his Plot, because he framed and fashioned the Depositions: He bailed *Lunt*, and made my Lord Mayor believe he was an honest Man; it was he that threatned to have me punished, when he heard I made it my business to detect the Villany of his Witnesses. In a word, I need say no more, he being so very well known.

Reflections upon a Letter out of the Country, to a Member of this present Parliament: Occasioned by a late Letter to a Member of the House of Commons, concerning the Bishops lately in the Tower, and now under Suspension.

S I R,

I Am a great admirer of your Writings, and as some curious Observers come to know Pictures: so I came to know the *Letter out of the Country to a Member of this present Parliament* to be one of your Pieces. No Child was ever more like the Father; and I am also confirm'd in my Opinion by the concurrent Judgement of other Readers; and I will venture all the Reputation I have, as a Critick in Pamphlets, that it is an Original; for you have a peculiar way of writing, especially Libels, which no man hath, nor any good man can desire to have in such Perfection as your self.

One of your Acquaintance, who knows your hand very well, had not read two of the Fourteen Pages, before he cried out this is *Erasmus* or the Devil; And therefore, Sir, when you write the next Libel, neither conceal your own, nor change your Booksellers Name; for your venomous Stile will discover you in every Period, and it is by that we now come to know who you are; but since you appear without your *Fiocco*, I shall take the Liberty to pull off your upper Robes, and shew the Wolf under the Sheeps clothing; for so I shall make it appear you are to the Six Bishops throughout your whole Letter, under the cover of Friendship and Tendernefs: But, Sir, tho' to kiss and betray with the same Breath, may, as times now go, pass for a venial Sin in a Politician, yet the World abhors it in a Divine.

To begin then at the first Page, There you say, *you Approve the Design* of the Letter to a Member of the House of Commons, *but you do not like the method* which it takes; and you acknowledge the Bishops to be excellent Persons, for whom you have a Particular Veneration, but then you say in the same Period that they wilfully expose themselves to the rigour of the Law.

This, Sir, puts me in mind of a Story of the late Earl of Shaftsbury, concerning a Clergyman of your Acquaintance, whom he called

called the *Butting Divine*; and speaking of him to one, who was then a great, and now a greater *Church-man*; pray, says his Lordship, have a care of him, for he never speaks well of any one of our Clergy-men, but he *buts* them down again. He says you are a Learned man, but — and Dr. — is a good Preacher, but — and Dr. — is a Pious man, but — Just so, Sir, you deal with the good Bishops in your Letter: You like the design of preventing their Sufferings, *but* you quarrel at the Author's Method; and they are excellent Persons, for whom you have a particular Veneration, *but* yet they are wilful Men.

There is a more divine and genuine Principle, which you have often pretended in behalf of others, called Conscience; and if you had any Charity or Kindness for them, you would have resolv'd their Noncompliance into that; but you know very well, that if you could make the World believe that they are *wilful*, they could not believe them to be excellent and venerable Men; for wilfulness, as Philosophers teach us, is either the Effect of weakness, as in Children; or of Contempt and Contumacy, as in Men of proud rebellious Spirits, whom the Scriptures call Sons of *Belial*; and if you think they are wilful in the former sense, you can neither count them Excellent nor Venerable; and if they are so in the latter, as you hint plainly in other [a] Places, how can you with *some expedient were found out to keep them from suffering the rigour of the Law*. Logicians tell us, that some Adjuncts destroy their Subjects; and that Propositions signify nothing, wherein the Terms contradict one another; but what is Nonsense in strict Logick, makes a malicious Figure in Rhetorick necessary for some Men and Causes, and therefore we find it so often in your Reply. But I cannot go on, till I first examine your Objection against the method of the Letter. The Author of it suggests some Arguments and Motives, upon the consideration of which, he hopes the Wisdom of the Parliament will find out some Expedient to restore the Bishops. He doth not presume to name the Expedient, and yet you censure this as a preposterous way of Proceeding, and with great Candor call it a *peremptory prescribing to the Parliament*, though he Prescribes nothing at all. But now, Sir, had the Bishops, according to your directions, agreed, [b] agreed upon their own Expedient, and propos'd it to the Parliament, you might as well have called that a peremptory and insolent Prescribing to the Wisdom of the Parliament, from whom they ought to receive and not to give Proposals; and that nothing could be more Presumptuous, than for them to offer their [c] Pro-

[a] Page 12, 16, 17. [b] P. g. 2. [c] P. g. 17.

jects to the two Houses, of evading their own Laws. Thus, Sir, you see how ill-will can make everlasting Objections against any methods of effecting a design which it doth not like. This in truth is the Case with you; you do not like the design of the Letter in favour of the Bishops, therefore you pick quarrels with the Method, though *as you know very well, and no Man better,* there is nothing more common, than for Men, both from the Press and Pulpit, to propose things to the Consideration of the Parliament, in favour of those who lie under the pressure of severe Laws, [d] *without applying first unto them.* And why may they not have the common favour of other Subjects, of getting Bills of ease brought into Parliament, by the Interest of their Friends in it? You say *they oblig'd the whole Nation by their former Sufferings,* and then methinks they may have the common favour which other Dissenters often found, for whose ease many Motions have been made in several Parliaments without Petitioning the House.

I am confident had they Petition'd you, there would have been no need of Petitioning the Parliament; such a Condescension would have gratified your Ambition to such a degree, that you would have wrote ten times better for them, than you have done against them, and if I had been worthy to advise their Lordships, they should have made timely Application to you, and begged your advice and assistance, with a submission suitable to so great a Spirit.

The Cap and Cringe of your Metropolitan would for certain have done wonders; it could not but have melted you down into Pity, if not into Tears, in which you can be fluent upon occasion: But it seems old Age has made him as stiff as *Mordecai*; he will not Bow nor do Reverence to you; and, Sir, you know Ambition can forgive any thing sooner than that.

I come now to the business of the Declaration, which the Bishops withstood with so much Zeal and Courage; and the Letter in favour of them gives due weight to the Merits of this great Action, which you with your wonted Ingenuity and Artifice endeavour to depress. You grant it was a glorious Action, but *then we ought not to magnifie them so extreamly for it, because it was their Duty.* But, Reverend Sir, may we not extreamly magnifie men for doing their Duty? if not, why were they so extreamly magnified here and in *Holland*, at the time of doing it? and if we may, Why should we not magnifie them as much still? Doth this generous Action in which they ventured so much, lose its Merits, as some generous Liquors lose their Spirits in less than Eighteen Months time? It was indeed their Duty, because otherwise it had been their Sin:

But if Men must not be as much magnified, as that Author magnifies the Bishops for doing their Duty in such difficult and dangerous Circumstances, and with the hazard of all that was dear to them in this World; then the Wisdom of the Church hath been very impertinent, in Celebrating the Sufferings of Martyrs and Confessors, and the Apostle also not a little lavish in the Praises of the Jewish Heroes, whom he magnifies extreamly for doing nothing but what was their Duty to do. Nay, Sir, according to your Rule, [e] we are no longer to make *Encomiums of him in the Superlative Degree*, for his many and great Sufferings, because they were all the Indispensable Duty of an Apostle: but nevertheless he boasted of them, which is more than ever I heard the Bishops did of that Heroick Action, although you [f] suggest, as if they did both to God and Man. *Those excellent Persons have too much Humility, or else, &c.* This, Sir, is nothing more or less than your old way of *Butting* with new Particles. They are excellent Persons, and have much Humility; But they boast too much of one good Action. This, Sir, must be your meaning, or else you are very impertinent in sending of them to our Saviour's Lesson of Humility, which all the World knows they have learned much better than your self.

You go on in the same Figure, [g] confessing they behaved themselves gallantly in that Undertaking; and that it must be owned, there never was an Action, by which a whole Nation was more obliged, than by that of the Bishops. Now, Sir, if this be not your way of bantering, then why should we not magnifie them extreamly for it? and the Representatives of the Nation requite them for it too? Can any thing better become them, than to take into their Consideration the National Obligation of such a meritorious Action, and return it upon the worthy Patriots, by saving them who saved the Nation from ruin, in offering themselves, as it might have proved, a Sacrifice to Arbitrary Power? Had Curtius reviv'd, after he stop't the Plague, surely the Roman Senate had done much more for him, than relax a Law in his Favour, the merit of so brave an Action would have descended with great advantage upon his Family: But least our Senators should do a mere Negative kindness for our celebrated Benefactors, in not suffering them to perish, you But down all the merit of that great Action, which before you had set up. [h] It was a Generous piece of piety, and the whole Kingdom was obliged by it; [i] but yet we should be too partial to them, and unjust to others, should we suffer them to engross all the praise of that great and glo-

rious Scene. But great and glorious Sir, who desires they should have all the praise? Hath a General all the Praise of the Victory, because he hath the chief share in the Triumph? Or do the Friends of our Heroick Bishops, think that all the Praise of that eminent Action is due to them, because such a mighty share of it is? They ascribe no more Praise to them, than is strictly due to the Principals in all great Achievements; nor is this any prejudice to their Seconds, who have their respective Parts in it.

You make indeed a very Pompous recital of the *Nobility, Gentry, Lawyers, and inferior Clergy, who assisted and seconded them in it*; these you also call their Partners: But I dare boldly say, none of them, nor all of them together, will pretend to an equal share of Honour with them in that Undertaking, (for they were alone in the Petition, and hazard of Petitioning) and yet they are willing that all their Seconds and Partners, should share as deep in the Reward as themselves, who were the Principals, and be Partners with them in that. For the inferior degrees of Merit in that signal Victory over Arbitrary Power are so great, that the Seconds and Assistants may without presumption pretend to all the favour of all our Legislators, which the Letter pleaded for in behalf of the Bishops; and we heartily wish, that all their Adherents in that Action, whether Lords or Commons, or Inferior Clergy-men, that are in the same state of Sufferings, may have relief as well as they.

Some of those of the Inferiour Clergy; who you say were as forward as the Bishops, are now in the same Condition with them; and had not one of them, who is a Person as tall in merit, as any of his Brethren, opposed the reading of the Declaration with more than ordinary Zeal, Courage, and Reason; it had likely been read in some of the most considerable Churches in London, by Men whose obsequious Examples would have had a great Influence over the whole Nation.

And now, Sir, divide the praise and thanks of that great Action, into as many parts as you please, only let the Bishops have their due share; which you are loth to give them. For in diminution of their Courage, you tell us, *[k]* that it had been of no use, had they not been seconded so bravely. But, Sir, had it been the less Heroical, or the Undertaking less brave for that? It is Recorded in our Histories, to the immortal Honour of *Thomas Merckes* Bishop of *Carlisle*, that he stood up alone both against King and Parliament in defence of his *Deposed* Sovereign, when

none would, because none durst second him. His Speech deserves to be read by all gallant Men, though for want of Seconds in the House it was of *no use to him*, or his old Master. But, Sir, you are such a Man of Honour, as to undervalue the bravery of an Heroick Action for want of Success; and such a Casuist too, as to determine Cases of Conscience by telling of Noses; or else how came you to say, *That how many Partners soever the Bishops had in refusing the Declaration, in refusing the Oaths they must bear the blame alone, no body pretending to share with them in that, so that they must stand or fall by themselves.* But, pray Sir, how many in the whole Roman Empire bore the blame with *Athanasius*, under the *Arrian* Reigns, for withstanding the *Arrian* Confession. I believe Ten will go a great way in the number of the Bishops, who then preferr'd their Faith before their Possessions; and yet, Sir, our *English Athanasius* hath *Five* Bishops, and had had *Seven* to bear the blame with him of refusing the Oaths, had those *Two* been now alive whom in the last Page of your Reply, you confess to be eminent and good Men. Was *St. Paul's* Case ever the worse, because all Men forsook him at his first hearing at *Rome*? Pray, Sir, consider what a trifling Argument it would be against the Bishops, if it were true, that they had no Partners with them in their Cause. But it is a most Impudent untruth; for several Lords, and other Gentlemen have refused the Oath, not to mention Inferior Clergy-men, and *Fellows*, and *Scholars* of Colleges, who are below none of their Brethren, and Colleagues in true Merit. And though, Sir, you have no concern for them, yet many good Men have, and would before now have interceded for them, had they not been hinder'd by the Avarice and Ambition of some, who, it may be, as the Letter suggests, *have already cast Lots for their Garments.*

I am sorry there is occasion given to think, that some Persons who ought to be free from this odious Impuration, lie under the suspicion of it; and the best way to clear themselves, will be now to shew their zeal and forwardness, in endeavouring to prevent the fall of their Brethren, unless the whole design of your Paper be to let the World know, that their Ruin is resolv'd upon; and that they may not fall lamented and pitied, to render them odious before hand.

You have indeed formerly made many splendid, but empty Investive Declamations against Persecution, without distinguishing of the Causes of suffering: But now, Sir, forgetting what you have written upon this as well as upon other Subjects, you can persecute great and good Men with delight, and depress the Me-

rits of their former Sufferings, even to nauseousness, telling us plainly again, that you cannot brook their Commendation in the superlative Degree, *only* (as you add) [1] *for not taking the Oaths*. But, Sir, this is another of your malicious Insinuations; for the Letter doth not make Encomiums on them for that, but for what they did and suffer'd for the Nation, in that which you call *the great and glorious Scene*; and though his Encomiums are now and then in the Superlative, yet he makes no Comparisons, as you suggest; nor doth a Superlative in its nature imply Comparisons any more than the Positive Degree. If one, Sir, should say, you are a *most*, or a *very* learned man, it doth not follow but Twenty more may be as Learned as you. But it is no wonder, that the Praises of the good Bishops in the *Superlative* should so gall you; for there are some Spirits as thirsty of Praise as Misers are of Money, they cannot bear Rivals in Fame or Greatness, but would engross, if it were possible, the fame of the whole World; and think all the Honour that is given to others, especially in the Superlative Degree, is so much taken from themselves.

I will now, Sir, accompany you to the Declaration signed December 11. 1688. and as you were so kind to the Bishops as to make them Judges in their own Causes; so I will return your Civility upon you in making you Judge in yours: and in order to that, I shall ask you a Question or two, before I answer those which you put to them. Was the Signing of the Declaration in that time of Confusion, a Deviation from their Duty, or not? If it were not, then they committed no fault in doing of it, but are still unblemished. If it were, then indeed they are culpable. But doth it follow, that because they did one ill indeliberate action upon surprize, and in great consternation then, that they must do a deliberate one, ten times worse, now?

I can assure you, Sir, those good, and learned Men, are no such loose Casuists: it is not with them, *over Shoes, over Boots*; that is no Rule of Practice for them, whatsoever it may be for such as you; nor do they understand the Modern way of correcting one error by another, and committing a second fault to justify a former, and a third to justify them both.

I shall now, Sir, truly and fairly state that action: and I am very confident no equitable Person will think it needs any further Apology.

At that time the King was withdrawn; all his Army (which had not deserted) disbanded; the Rabble got loose from the Reins of Government; the common safety endanger'd. Now under these Circumstances, was it a Deviation from their Duty to apply themselves to the P. of O. who had, by his Declaration, set forth, *That he had no other Design in his undertaking, than to procure a Settlement of the Religion, and of the Liberties and Properties of the Subjects, &c.* And that he would refer all to a free Assembly of the Nation in a **Lawful Parliament**. And at that time the Prince being at the head of a Potent Army, had the sole Power, and a fair opportunity of preserving the Publick Peace, by taking the Government out of the hands of the riotous Mob, whose furious Insolency, and growing Tumults, threatned the like desolation to London and other parts of this Nation, that *Massianello* formerly brought upon Naples.

And being under this inevitable necessity of making Application to the P. of O. Those good Bishops intirely trusting in his Highnesses good Intentions, did Sign that Declaration; the sum of which is, *That they would assist him in obtaining such a Parliament, wherein our Laws and Liberties may be Secured, the Protestant Interest Supported, to the glory of God, and the happiness of the established Government of these Kingdoms.*

Now, pray Sir, why should those Bishops, having under those Circumstances Sign'd that Declaration, be unwilling to be judged for so doing, either by the Declaration it self, or by any Persons whatsoever? But certainly there are some in the World, who had need be cautious of passing Sentence on the Declarations of other Men. Every reviling censure flies in their faces, who have manifestly and notoriously Deviated from their own *Solemn Declarations and Subscriptions made deliberately in calm and sedate times.*

And to answer the Queries you put to the Bishops, I Reply, That I cannot conceive, that by any rules in *Logick* it can be inferr'd, that because they declared to assist the P. of O. in obtaining a *Free Parliament*, wherein the *then Laws*, &c. might be secured, and the *then Established Government* supported, they therefore judged that K. J. had *Deserted and Abdicated* his Kingdom.

It is true he had withdrawn his Person: but doth every withdrawing of a King amount to a *Desertion* and *Abdication*? Several of the Kings of England have withdrawn themselves, and yet have not been thought to have *Abdicated*; as *Edward the first* did, King *Charles the first*, when he escaped out of *Hampton-Court*, King *Charles the second*, when he left the Kingdom after *Worcester Fight*. And

And I must tell you, Sir, that several Persons were of Opinion, that K. J's Subjects in the *General Defection* rather deserted him, than that the King *deserted* his Subjects.

And some judicious Men, who have read your Letter, are inclined to believe, that you have very much justified K. J's *withdrawing* himself, by the hints you give in what imminent danger his Person was; when you tell us of the *Sword of Gideon*, which was old *Knox* his Phrase, and now is yours for the *Sword of War*, the *Regicides* for the *Sword of Justice*, and the *Jesuits*, as *Hospinian* tells us, for the *Sword of Assassination*: and I think it is all one both in Law and Conscience, which of the three Subjects unsheath against their lawful King: and if K. J. remembring the fate of his Ancestors, [m] *play'd at bo-peep with the Government*, (as you most scurrilously call it) it was no more than what had been done by some of them; and it had been well for others of them, if they could have done so too.

You tell the Bishops in an Ironie, full of your wonted Veneration, that they have too much Gravity as well as Understanding, to act their part in such [n] *Boys-play*. But can such an excellent Historian as you forget, how often the whole Nation has acted their part in it, and God only knows how often they may act in it again. Methinks you, and some other [o] Authors might have more Gravity and Understanding, than to vent such Doctrines, and Principles, as tend to nothing but *Bo-peep* and *Boys-play* in the Government: but this is an Age, in which wonders are common, and therefore I do not admire to see wise Men now advance Principles, and urge Arguments in their own Vindication, which they formerly confuted and condemn'd.

[p] You also upbraid the Bishops with flying from their Subscriptions. But, Sir, in return to your *Manna* and your *Men in the Parable*, let me ask you two Questions: Are you sure that this *Free Parliament* in which the Nation is so happy, is that *Lawful Free Parliament*, which they intended in the Declaration? or are you sure they invited any man before, or courted any Man to reign over them, since the departure of K. J? Methinks for the sake of your dear Friends *Essential Nullity*, you of all Men should not have objected the former unto them; as to the latter, tho' you cannot prove it, yet it shall go upon the account of [q] your *Zeal for the Publick*, which tempts you so often to make bold with truth.

In the next place I proceed to discourse with you about the

[m] Page 11. [n] Page 12. [o] Discourse of the Unreasonableness of a New Separation, &c. [p] Page 12. [q] Page 12.

Doctrine of *Non-resistance*, as you have taken occasion to state the Controversie from some kind wishes in the Letter which the *Bishops Advocate*, as you call the Author, doth not assert, but officiously propose. And first of all I observe from your way of managing the Dispute, that you think the taking of the new Oath and the Doctrine of *Non-resistance* are not fairly reconcilable: or else surely you would not be Guilty of such a foolish Undertaking, as to attempt the confutation of that Doctrine [a] to induce the *Bishops to take the Oath*. I have made this observation rather, because some of your Brethren have written Books to persuade the World there is no inconsistency between them; and seem loth to give up that venerable Doctrine, which a Countryman of yours hath acknowledged to be a thousand years older than that of Resistance. But before I come to consider your Arguments, I must freely acknowledge to you, that I am very much pre-judg'd against them upon the score of the Primitive Christians, I mean the *Good old Christians* of the Empire, who knew all those Maxims and Distinctions from whence you argue as well as you do now, and yet never made use of any one of them in the most grievous Persecutions, to justify Resisting of the Sovereign Authority.

They knew that *salus Populi, the Peoples safety, &c.* [b] was a Maxim of their own Government; and that Government was not instituted for aggrandizing one single Person or Family, but for the Safety of the Publick; and that Kings are for the People, and not the People for Kings. They knew as well as you that History of the *Maccabees*, and the Obligation of the fourth Commandment, and the Distinction betwixt the Letter and Moral Equity and Design of a Law; and yet, as an Author, which you have read, observes, they never rais'd one Tumult in the longest and hottest Persecution; particularly in that most bloody and barbarous one of *Galeries Max.* When he ceasing to govern as a Roman Emperor, endeavour'd to make the Senate and People perfect slaves, and utterly deprive them of all Liberty and Property, by introducing the *Persian Government*. In this attempt to subvert the Fundamental Constitution of the Empire from Civil to Slavish, the Christians suffer'd not only as Christians upon the account of Religion, but in common with their fellow Subjects: and you are (I suppose) so well acquainted with the little Book of *Lactantius*, that describes that Scene of Tyranny, that I need not transcribe his Description of it, but only ask in your own Phrase, and upon your own Principles, was it [c] reasonable they should then

[a] Page 16. [b] Page 13, 14, 16. [c] Page 15.

rise, because they did not resist? Dare you say, *they chose their own destruction, and betray'd themselves and their Religion, or that they made themselves as wise Martyrs for the Fifth Commandment, as the Jews did for the Fourth before the Decree of Mattathias?* Where was your sword of Gideon then; and why did they not turn active Maccabees, that God might have blest them with miraculous victories? Or was it, that they were ignorant of your Maxims and Distinctions; which, if they could justify Subjects taking up Arms against their Sovereign, would have justified it then as well as now? Wherefore I conclude from the Practice of the Primitive Christians, that there is some defect or error in your way of reasoning upon this subject; and accordingly I find it all overthrown in five Pages of the *History of Passive Obedience* (which you are concern'd in honour to answer) excepting your Argument for Dispensing with the Fifth, as well as the Fourth Commandment, upon that distinction of the Letter from the moral Equity and Design of the Law. It is certainly much for your Interest, and the Peace of your Conscience (if it be not yet sear'd) that the Parallel betwixt these two Cases and Commandments should be exactly true. But to deal plainly with you, I can scarce believe you think so your self, for the following reasons.

1. Because, as to the Power of Dispensing, there is a mighty Difference between a *Positive*, and a *Natural* Law; but you confound them together in your discourse, for after that you had proved, that the *Positive Precepts* of the Decalogue have been, and may be Dispensed with, of which you give some Instances in the Sabbath; then you conclude that the Fifth Commandment, which is a *Natural* Precept, may in like manner be dispens'd with too. But this is a mighty Inconsequence; because the Matter of a *Positive* Precept is in it self Indifferent, and becomes a duty meerly because 'tis commanded: but in a *Natural* Precept the matter is necessary, and is therefore commanded because it was an antecedent Duty; and therefore, as you observe, the saving of the life of an Ox or an Ass was preferr'd before the Observation of the Sabbath, but I hope you will not say that we make as bold with the Fifth Commandment as save an Ox or an Ass. This very Instance may convince you, that there is a great difference between these two Precepts; and therefore though our Lord blamed the Jews for adhering so strictly to the Letter or Rituality of the former, yet he * blamed them more for eluding the rigour of the latter by the Vow or Oath *Corban*. And the reason is evident; for in the Fifth Commandment, as in all other

* Mark 7. 11.

Natural Precepts, the Morality or Design of the Commandment lies in the literal sense; but the Morality or Design of the Fourth, as in all other pure positive Institutions, often happens to be contrary to the Letter of it; and then, as you observe, we must stick to the Design of the Law against the Letter of it. But this Distinction hath no place in Natural Precepts, and particularly in the Fifth Commandment, where the duty results from the relation, and cannot be separated from it, but must hold as long as that doth. I say the duty of the Fifth Commandment results from the relation which Children and Subjects have to the Natural and Politick Father, which is the Rightful Sovereign of every Government: and as long as he remains Rightful Sovereign, so long Non-resistance or Submission is due unto him upon the score of Sovereignty, from which it cannot be prescinded so much as in thought.

I confess in some Governments the Foundation of the relation is Temporary and Conditional, and then the relation upon the expiring of that Time, or the breach of those Conditions, is separated from the Person; but in perpetual unconditional Governments (such as I take ours to be) the relation cannot be separated from the Person as long as he lives, unless he really Abdicates the Government; and by consequence the duties of subjection, resulting from that relation, must be his perpetual indispensable Right; and, among the rest, the duty of Submission and Non-resistance, which in the Scripture we find pressed upon the Christians in the Reigns of Princes, who, to use the New Distinction, were under the greatest *Moral Incapacity*, ruling as if the People were made for Kings, without any, or very little regard to the Publick Safety, which was then, as well as now, the end of Government, and the rule by which Princes ought to Govern.

In like manner, as I shew'd before, the Primitive Christians, who undoubtedly understood the duties of Princes, were subject to the most barbarous Tyrants, and in the most bloody Persecutions, and yet never presum'd to Dispense with the Fifth as *Mattathias* did with the Fourth Commandment; which, I doubt not, but they would have Dispensed with to save the life of a Dog or Cat.

I think, Sir, I have said enough to shew what a Casuist you are, if I should say no more; but to shew a farther disparity betwixt these two Cases, I desire to ask you a Question or two.

1. Do you think those *Jews* would have presum'd to have dispensed with the Fourth Commandment, if there had been another additional Law to make it High Treason, and the Transgression of it present *Excision* of the Person that was the Transgressor, and loss of all the Priviledges of the Covenant to his Posterity; and moreover that your distinction between the Moral Equity and Literal Sense, upon which some in former times had presum'd to transgress it, had been declared Traiterous and Damnable, as the Distinction of the *Spencers* was; and that after this again, upon a pretence of dispensing with it for the publick safety not many Years before, it had been declared, that it was not lawful to recede from the Litteral Sense upon any pretence whatsoever, that neither the *Sanhedrim*, nor the People, nor both together had any right to dispense with it, or ought to pretend to the same, though the contrary had been practis'd. I say, upon supposition of all this, would *Mattathias* and the *Jews* have dispensed with the Fourth Commandment?

2. I desire to know if they would have dispensed with it, upon supposition, that receding from the Litteral Sense would have been more pernicious to them and their Country, than keeping strict to the Letter of it? Let us suppose, that by doing so they had enrail'd a long intestine War upon the Nation, which would have cost it Twenty such Armies, and miserably wasted their Country, and thereby made the Pity or Scorn of all other Nations. I say, upon supposition all the Calamities would have attended them that usually follow upon resisting the Supreme Authority, and setting up one Sovereign in a Government against another, whether you think they would then have dispensed with the literal Observation of the Sabbath Day? Common Prudence directs all Men of two Evils to choose the less, and to forbear *the* [a] Remedy, as our Church speaks on this Subject, when it is worse than the Disease.

Sir, When I reflect upon these plain Differences between these two Cases; I cannot help thinking, that you want either Skill or Probity, or it may be something of both to make you a good Casuist: But be it one or the other, or both, I pray God deliver his Law from such Expositors, his Church from such Pastors,

[a] 1 Part, Hom. against Disobedience.

Handwritten signature: J. J. [unclear] [unclear]

and all good Children and Subjects from such Spiritual Guides. However it seems you have a great Opinion of your self; and as mean a one of the *Bishops*. if you think they can be periwaded to take the Oaths by your [b] *weak Arguments*, as you truly call them in one Period, tho' your modesty presently forgetting that humble Figure, in the next Period to it you call one of them a *Downright Demonstration*. The Argument is this, *Either it is lawful to obey K. W. or it is not? If it is lawful, then why may not any one swear he will do so?* Now, Sir, to this Argument the Understanding of any ordinary Curate will return this Answer. In some things it is lawful to obey K. *W.* and in some things it is not; and one of those things in which I think it not lawful to obey him, is taking the Oath. Otherwise thus; In some Cases and Circumstances I think it lawful to obey K. *W.* and in others I do not: now so far as I can obey him, so far I will swear to obey him; but if I should take the Oath, I think I should swear to obey him farther than I ought; and therefore that I may not Swear falsely to him, which would be perjury in the Act, nor break my former Oath, which I think would be Perjury in the Object, I will not swear at all.

So much in reply, Sir, to your *Downright Demonstration*, which you stole out of the *Pastoral Letter*; and what right you have to steal other Folks Arguments, and not cite them for it, you can best tell.

After your Arguments to the *Bishops* to induce them to take the Oath; you say, that if *they really stumble at it, then it is reasonable for them to give as good security to the Government, as if they had taken it.*

I know not, Sir, what *Security* you mean: but certainly the approved *peaceable Temper*, and *quiet Disposition* of those *pious good Bishops*, and several other *truly Conscientious Persons*, who had rather part with their *Livelihoods*, than violate their *Consciences* by taking the Oaths now imposed, is a far better *Security* to the Government, than the Oaths of either inconsiderate, or rash turbulent Spirits, or Self-interested Persons, who to promote or secure their *Secular Interest*, will (as some of them formerly have taken both the *Covenant and Engagement*) swal-

low any Oaths, though never so apparently contradictory to their formerly *Avowed Principles, Solemn Declarations* and *Subscriptions*; or than the Oaths of some pretently *Scrupulous*, and tender-conscienc'd Men, who by their *Elofory Declarations* and nice *Distinctions* endeavour to make void the Obligation of the late Oaths.

You cannot but have heard, how insignificant many Men have made the Oath with their *Declarations*; and how many Books, which are written for the taking of it, have by their Expositions made it almost of no use to the Government. [a] A late Book written upon this Subject, is published to persuade us, that the Oath only obliges those that take it, to serve their Majesties in Matters that are for the *Publick Good*, but not injuriously to K. J. and that the Fealty and Allegiance sworn to them, is not inconsistent with that which is sworn to him; and he wishes that the Parliament would in a judicial manner so explain it, and for the publick Good I wish so too.

Thus much by way of Apology for the Non-Swearers, in answer to your candid Suggestions; after which having wiped your Mouth, you call them again [b] *Excellent Persons, And wish they might continue in their Stations which they so well become*: But this is no sooner out, but in the next Paragraph you foam again; for they are guilty of *Faction and Schism in the Nation*, and have been the occasion of the expence of so much *Treasure and Blood*. Now, Sir, as to *Faction and Schism* in a Nation, it is just as it is in the Church: those who are not the Causes of it, cannot be guilty of it; and whether the Bishops and others that refuse the Oath are a *Factionous and Schismatical* part of the Nation, I refer you to the late *Collection out of Judge Hales his Pomponius Atticus in reference to Factions that arise in a State or Kingdom*. I refer you to this Paper, because all the World knows you have a particular *Veneration* for that Judges Memory; who indeed was a most *Judicious Lawyer*, a good *Patriot*, and a very honest Man.

[a] *A Vindication of those who have taken the new Oath of Alleg.* vid. p. 89. [b] *Page 17.*

And then as to their being the Occasion of so much Bloodshed in *Ireland*, you might with as much reason have imputed it to their refusing the Declaration, and their being sent to the Tower: But, it seems, as some men treated *Charles* the First of Blessed Memory, so you treat the Bishops: they were in Profession his most Dutiful and Loyal Subjects, but that they might make the People to hate him, they imputed all the Bloodshed in *Ireland* to his Majesty; and just so the Bishops are Reverend Persons, for whom you have as great and true a Veneration, as any can pretend to, but you lay the Bloodshed in *Ireland* at their Doors to make the People hate them. But, God be thanked, it is somewhat too late to raise the Rabble upon them; and all the World knows the not reducing of *Ireland* without Bloodshed is owing to other Causes; nevertheless, Sir, the Bishops are beholding to you for making them the occasion of it; and when God shall make Inquisition for that Blood, it will be happy for you, if you be found as innocent and free from the guilt of it, as they are. I know they have Charity enough to forgive you, though you know what you do: But, Sir, God will not forgive you, unless you can bring your self to such a Temper, as to ask their Pardon, and make them amends for the Injuries you have done unto them; for in the same Period, by the help of your old Servant *But*, you also impute the refusing of the Oath to *humour*, and represent their deprivation as their own Choice: And indeed it was their own Choice, as their going to the Tower was, and they also deprive themselves, as you express it; and so their old Friends the R. C's said they sent themselves to the Tower. Unfortunate Men! that are still so bent upon their own Ruin; and why, said another of their back Friends, should we pity Men that will not pity themselves?

Then with all the Civility in the World you go about to tell them, that the People (forsooth) will not be so sensible of their worth, as to be concerned for their Sufferings, and that they are mistaken in the computation in the number of their Friends, as K. J. was of his by the Addressees to him. But, Sir, how absurd and incongruous is your Comparison: for when K. J. received the Addressees, he was in the height of his Majesty as King; but these Bishops ever since the Revolution have been in their Declension, and since the first of *August* looked upon as Men who are not of this World; and if any, either Clergy-

men or Lay-men, have since exprest their Duty and concern for them, they have no reason to suspect their Sincerity, but on the contrary to believe, that they are their Friends in reality, as well as prerence. No, Sir, they are the Men of Greatness, and the Favourites of Princes, who have most reason to fear that they are out in their *Computation*; and if it were not to gratifie some Mens Vanity by the Comparifon, I would beg leave to mind them of Cardinal *Woolsey*; for if ever they fall but half as low as he did, they will find themselves as much out in their Account, as you impudently say the Bishops were in the number of the Clergy who would not take the Oaths, and have their new Retinue reduc'd, as you tell us the Church of the *Donatists* was, to one single Person; and then their Clients and Flatterers, who worshipt before, will stand afar off, and say like those of *Sejanus*,

—————*Nunquam, si quid mihi credis, amavi*
Hunc hominem—————

In the conclusion of your Letter you tell us, you do not think there is such a great scarcity of worthy Men in the Church, but that *it may be possible to find out four or five as good, who may be able to supply the Bishops places, and come up to their pitch*. Now, Sir, that there is no scarcity of good men in the Church is very true, neither would there have been any, though you had not come among them: but that any learned Men of true Moral worth and Goodness can accept the Bishopricks to be vacated by the Deprivation of those excellent Persons, is a Paradox to my belief. Howbeit I doubt not but they will be supplied by Men worthy, if not by worthy Men: And as to those Two Persons, who have succeeded in the Two last Vacancies, I dare be bold to say, that it would have blasted all the Reputation they have acquired, if they had succeeded, (as some I hear are ready to do) in the suspended Bishops Sees; for Understanding and Good Men would have looked upon them no better, than the Faithful *Alexandrians* did upon *Gregory* and *George*, who successively filled the Chair of St. *Athanasius* when he was deprived. All the Authority of the Emperor and Synod of *Antioch* could not reconcile them to such Successors; which *Eusebius Emisenus* foreseeing, prudently declined the Bishoprick when it was offer'd to him. I wish some Venerable Men, whose Reputations are yet recoverable, would consider what reason there is to follow his Example: but if they shall think fit to take their Chairs, and any good People shall think it their Duty neverthe-

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less to adhere to their old Bishops and Metropolitan, then it shall be disputed upon true Catholick Principles, on which side the Schism lies.

I have now, Sir, run thro' your Letter; and least I should have omitted any thing in it, which I should have answer'd; or not perfectly answer'd any thing in it, which I did not omit: to supply either, or both of those Defects, I refer you to the following passages which I desire you to consult, viz. *Hist. Reform. tom. 2. p. 243. Reflect. on Varill. hist. 3. & 4. tom. p. 126. Defence of Rest. on Varill. p. 72. Marginal Note on Bishop Bedell's Letter to Wodsworth, p. 444. of his Life; or rather Hist. of Passive Obed. p. 76. Letter to Mr. Thevenot, p. 32. Collect. of 18. Papers, p. 66. Vindication of the Authority, &c. in four Conferences, in every page. Hist. Reform. tom. 1. p. 1. 107.*

Sir, I would have set them down in Words at length, but that I was afraid to trespass too much upon your Patience; and if I have done so, I beg your Pardon for it, and protest to you by all that [a] *Partiality and particular Affection which you have for the Bishops to a failing, and by all the Veneration you have for those excellent Persons,* that I am

Your most Affectionate Friend,

and Humble Servant,

A. Z.

[a] Page 8.

PARLIAMENT AUTHORITIES

Justifying the Proceedings of the Commons against
the Four Impeached Lords.

Submitted to the Commons in Parliament.

AT a Parliament held at *Westminster*, the Monday after the Purification of our Lady, in the 11th Year of King Richard the 2^d, The Commons petitioned, That none be about the King's Person, nor intermeddle with any Affairs of the Realm, other than those named and appointed in Parliament; and that all Persons of ill Fame be removed from all Places about the King: the which that King granted. See the Rolls of that Parliament, N. 23, 24.

At a Parliament held at *Westminster* on Monday in *Easter* Week, in the 15th of Edw. 3. That the Chancellor, and all other great Officers be chosen in Parliament, and that Men of Evil Fame be removed. See the Roll, N. 15, 16.

At a Parliament held at *Westminster*, in the Quindean of St. Michael, 1 Rich. 2^d. The Commons prayed the King would be pleased to name, in that Parliament, 17 Persons of good Note and Fame, to be always about him, and in the interval of Parliaments to negotiate the Affairs of the Kingdom; to which the King assented. Parliament Roll, N. 18, 19, 20.

In the same Parliament, That Privy-Counsellors, or great Officers about the King, shall take no Grant nor Gift from the King, during their being in the Service of the King. Roll, N. 23, 24, 25.

The like was done in the Parliament held at *Westminster* the 3^d day after *All Souls*, 5 Rich. 2. See the Roll, N. 20, 21, 22, 27, 28. and all granted at the Request of the Commons.

In the Parliament held at *Westminster* the 3^d day in *Lenx*, 6 Rich. 2^d. The Commons prayed that such as misbehave themselves, may be removed from the King, and that Persons of good Note and Fame may be put in their places, and swell full Parliament. Roll, N. 26.

At a Parliament held at *Westminster* the 1st of October, Rich. 2. The Commons Impeached Sir Michael dela

Earl of *Suffolk*, and Chancellor of *England*, articled against him; and got that King to remove the Chancellor before Judgment. Parl. Roll, N. 6, 7, 8. An Abstract of the Articles against the Chancellor, see in a Book intituled, *The Right and Liberties of Englishmen asserted*, newly printed, Pag. 8, 9, 10.

In the 11th of *Rich. 2.* Divers Lords, Justices, and others, were accused in Parliament for Treason, and Misdemeanors, and some of them banished into *Ireland*. But it is here to be noted, That when the Trials for Treason came on, the Lords Temporal proceeded, and the Lords Spiritual made their Protestation, saving to them their Rights to be in Parliament in all Cases excepting Blood; as by the same Protestation (made in Latin, and to be seen upon the Roll) appears, wherein they say expressly, in relation to Blood, *De jure interesse non debemus*: And the Ordinance made in the 21 *Hen. 2.* positively requires, that no Clergy-man be present upon any Tryal of Life and Death, all being forbidden by the Canon-Law (*Agitare Judicium Sanguinis*) upon pain of being deprived of Dignity and Order, and to suffer the Penalty and Punishment of the greater Excommunication. We have no mention throughout all our Rolls of Parliament, that ever the Prelates were present, or voted in Cases of Life and Death, till that of Sir *John Fenwick*. It is true, that at Assizes and Sessions they are present, but not as Judges; and when Judgement of Death is pronouncing in these places, the Clergy did use to walk out of Court: but in Sir *John Fenwick's* Case the Lords Spiritual did indeed *Agitare Judicium Sanguine*, against the Cannon and Common Law. The Bishops Protestation against such matters is entered upon the Roll of that Parliament, N. 9, 10.

In the 7th *Rich. 2.* The Commons granted to the King a Subsidy according to the tenour of a Schedule indented, and delivered in Parliament, requiring it may be Enrolled in the Journals of that Parliament; in which Schedule is the following Protestation, viz. That it is not the meaning of the Commons to give the said Subsidy, without the King's granting to the Commons the following Conditions.

1. That the Clergy having the third part of the Kingdom in their hands, shall in proportion grant the like Subsidy.

2. That the Bishop of *Norwich*, and others, be compelled to answer and repay all such Sums as he and they have received for the Service by them undertaken, and not performed. Parl. Roll, N. 13. And that the King remove from his Presence such Persons as the Commons look upon to be pernicious to the Publick. To which the King assented.

It is here to be noted, That the Clergy excepted against the

first Condition, and said, they were not to be taxed by the Commons, but that they would use their own Discretion. To which the Commons replied, That if the Clergy would not condescend to pay a third part of the Subsidy, that as they insisted upon Ecclesiastical Privileges, so they should not have any share in Temporal matters in Parliament. Upon which the Bishops went out of the House for that time.

In the 29th H. 6. The Commons addressed the King to banish all Persons of evil Fame, and evilly thought of by the Commons, viz. Edmund Duke of Somerset, Alice Dutchess of Suffolk, William Bishop of Chester, the Bishop of London, the Abbot of St. Peters in the County of Gloucester, the Baron of Dudley, Thomas Lord Hastings, Thomas Pulford Esq; Sir John Sutton, Sir Thos. Hungerford, and twenty seven Persons more of the King's Retinue, Attendants, and Favourites: All of them, upon the bare desire of the Commons, without any Accusation, by Word or Article exhibited, only upon common ill Fame, were compelled in that Parliament to leave the King's Presence, and never to come within 12 Miles of the Court during their Lives. The King seemed unwilling to part with some, but would leave them to be punished by Law, according to their demerits, and to be moved from his Person for one Year: But the Commons insisted; and the King rather than disoblige them, assented. Parl. Roll, N. 16.

At a Parliament held at *Westminster*, the next day after St. Hilary, in the 5th of Hen. 4. On Monday the 14th of January, being the first day of that Parliament, the King accorded that four special Persons should be removed from his Person, at the request of the Commons, viz. the King's Confessor, the Abbot of Dore, Mr. Richard Durham, and Mr. Crosseby of the Chamber: whereupon Saturday the 9th of February, the said Confessor, Durham, and Crosseby came into the Parliament, before the King and Lords, where the King excused them, saying, That then he knew no Cause why they should be removed, but only that they were hated of the People, and therefore charged them to be gone from his House according to the Commons desire; and the like Sentence was pronounced against the Abbot, tho' then absent. Parl. Roll, N. 16. and Sir Robert Cotton's Abridgment, Pag. 426, 427.

In 1 Jac. 1. the 21st of May, The Commons accused the Bishop of London for speaking ill of them and their Proceedings, in the Lords House: but the Bishop of London cried *Peccavi*, and pleaded his own mistake: which shews that both Houses have their distinct and separate priviledges independant one of another.

The

The Commons have an undoubted Right to exercise their Authority within their own House, and to accuse whom they please, without respect of Persons, and to exhibit their Charge by Surmise, Word, or by Articles generally or specially, as it was resolved in the Cases of *John de Worsenham*, and *Walter de la Chariton*, in the 50th *Edw. 3.* and likewise in the Case of *Hugh de Spencer*, in the 15th *Edw. 2.* as also in the Case of the Duke of *Buckingham*, in the 5th *Cha. 1.* Which shews the Authority of the Commons within their own House hath no limitation; and that they may make Presidents, as well as be guided by such (especially where the Grievances of the publick require to be redressed) extrajudicially, if not otherwise to be obtained, as in the unprecedented Case of *Sir John Fenwick*.

And as to the Commons of *England*, from the first Institution of Parliaments, have been the great Conservators of *English* Liberties, and the safety of both Kingdoms at this critical Juncture, when our All seems to be endangered, depends alone (under God) upon their Conduct: so it is the common Interest of the People, that the Commons, according to their wonted Privileges, do displace or banish all insulting, overgrown, corrupt Ministers, or such as by their Male-Administration at the Helm, have discovered their Principles by their pernicious practices: Otherwise we may in time bid adieu to our Rights, and to Parliaments too. We may justly expect, from the Change in the State in 1688. to have all the Abuses imputed to the late Ministers, rather redressed than improved by their Successors: for it was seldom known that ever any people abandon'd one Prince, and set up another, but with intent to better their Conditions, and to free themselves from what they feared might attend them before such Revolution: But if we should find ourselves frustrated in our Expectations, after it had cost us within 12 Years, Sixty Millions to defend our Rights and Liberties (as by the Lords Journals appear) so should not we have reason to say, that we have acted the part of an unskilful Pilot, after we have sailed a vast way about to avoid splitting upon one Rock, to be afterward cast away upon another, and that when we thought our selves in a secure Harbor?

F I N I S.

In quibus. P. 101

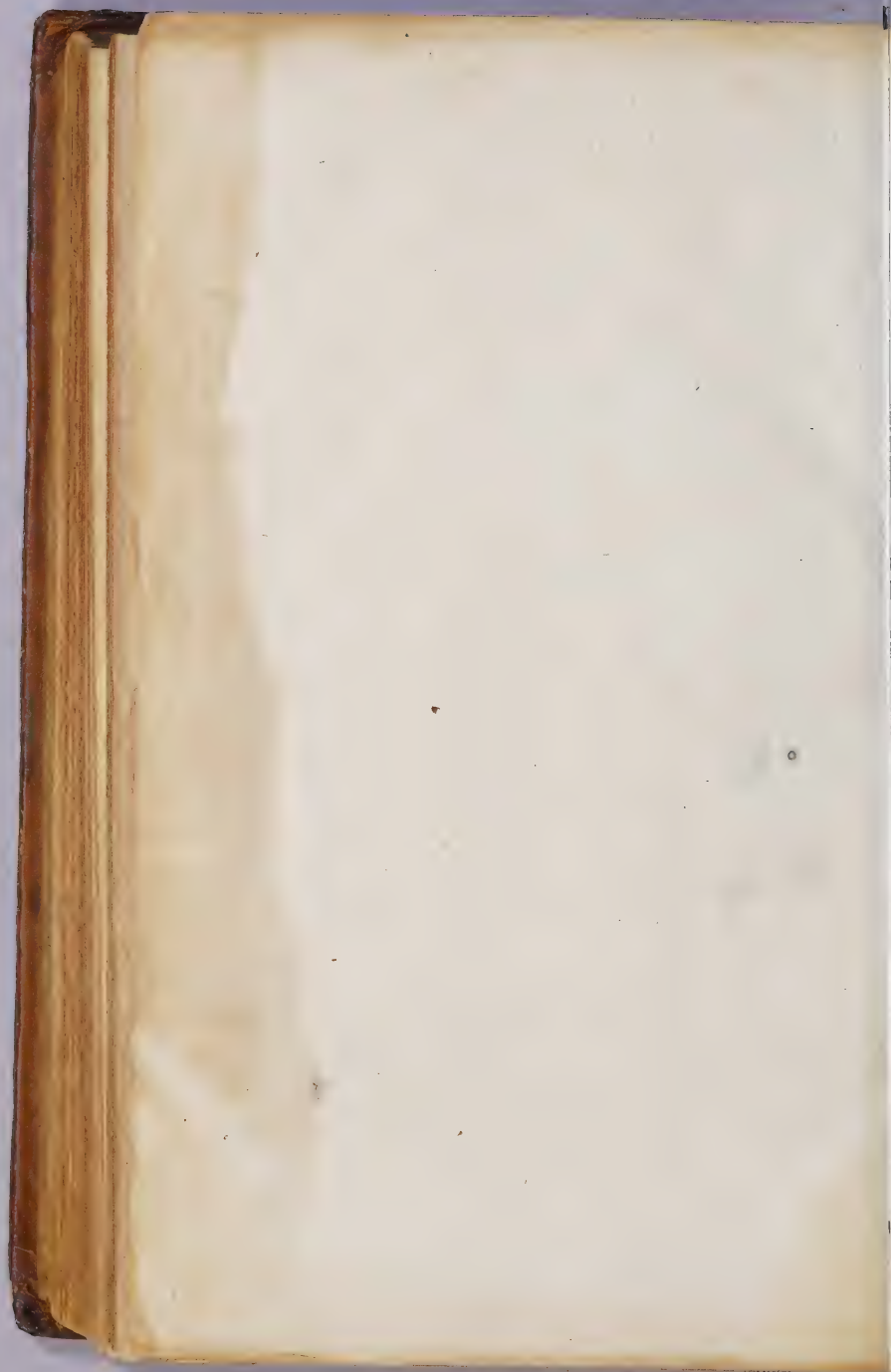
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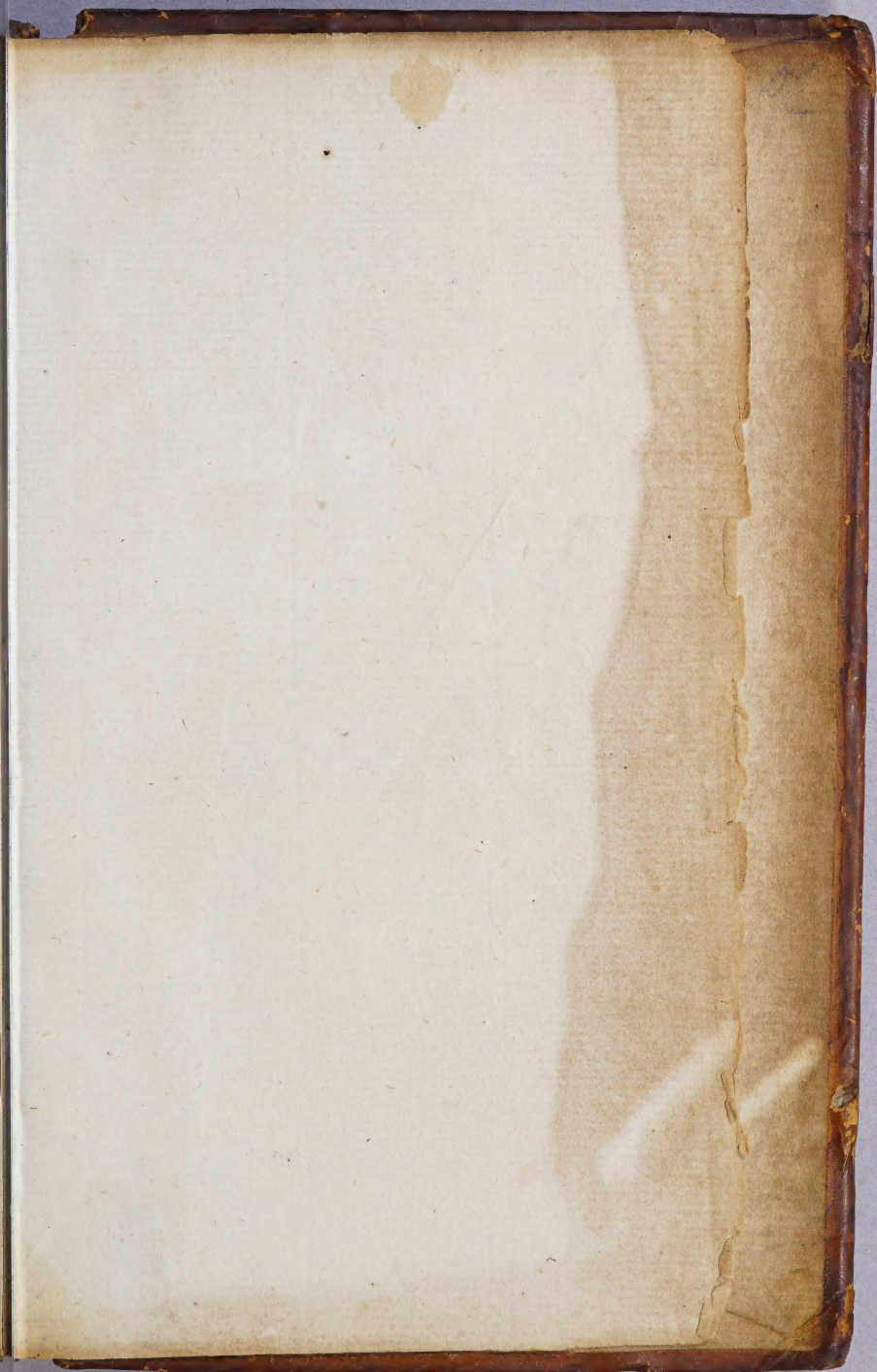
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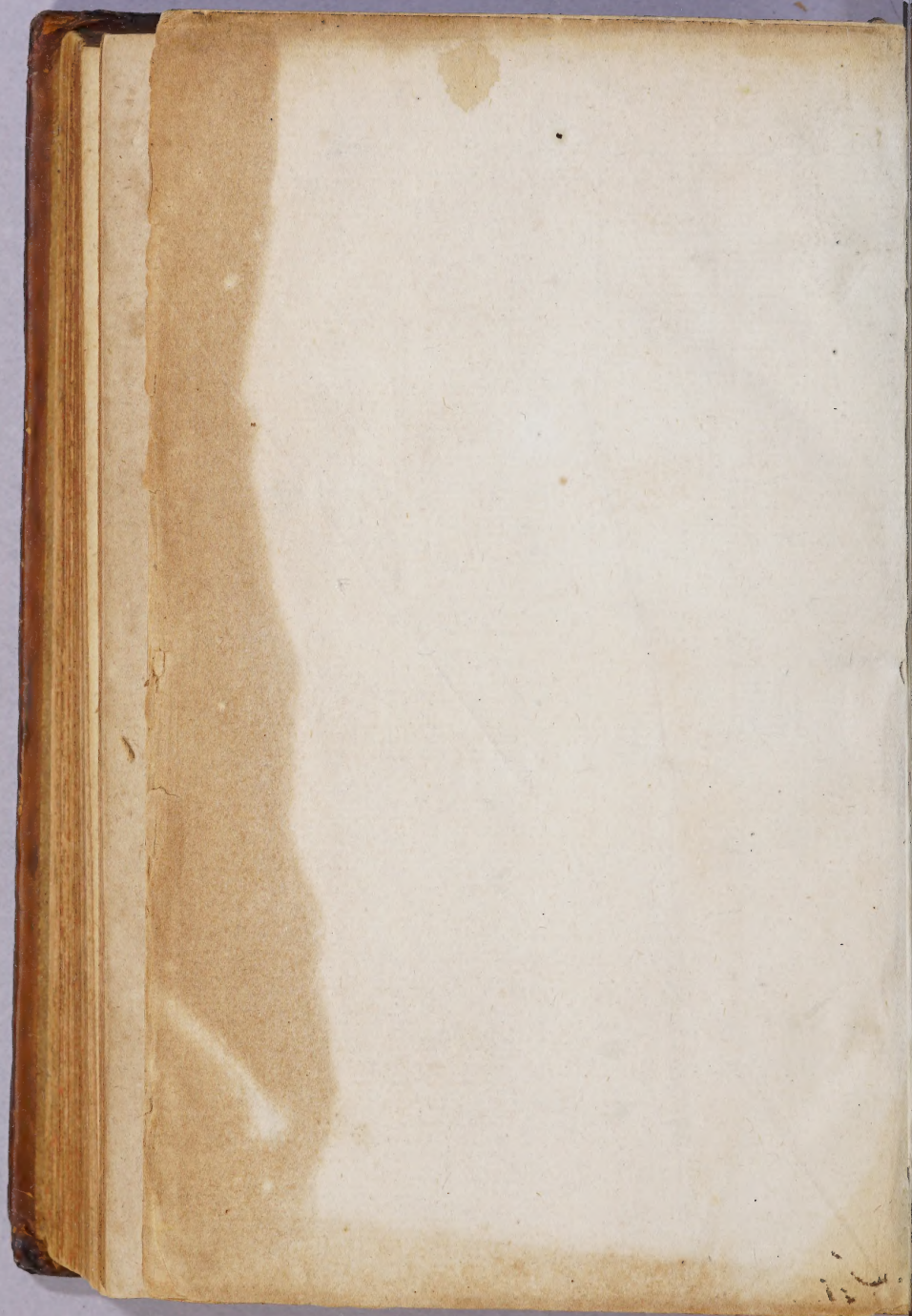
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